

Connecticut Department of

ENERGY &  
ENVIRONMENTAL  
P R O T E C T I O N

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*Conserving, improving and protecting our natural resources and environment;*

*Ensuring a clean, affordable, reliable, and sustainable energy supply.*

**To:** Davis, Matthew[Davis.Matthew@epa.gov]  
**From:** Ashley, Jackie  
**Sent:** Wed 12/6/2017 8:39:01 PM  
**Subject:** FW: EPA Announces Additional Public Listening Sessions on Proposed Repeal of Clean Power Plan

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Jackie Ashley - US EPA - Office of Air Quality Planning and Standards - 919-541-7664 –  
ashley.jackie@epa.gov

**From:** DeLuca, Isabel  
**Sent:** Wednesday, December 06, 2017 3:31 PM  
**To:** Ashley, Jackie <Ashley.Jackie@epa.gov>  
**Subject:** FW: EPA Announces Additional Public Listening Sessions on Proposed Repeal of Clean Power Plan

**From:** Jones, Enesta  
**Sent:** Wednesday, December 06, 2017 3:27 PM  
**To:** Press <Press@epa.gov>; PADs and Alternates <PADs\_and\_Alternates@epa.gov>; AO-OCIR Everyone <AOOCIR\_Everyone@epa.gov>; Comm Directors and Alternates <Comm\_Directors\_and\_Alternates@epa.gov>  
**Subject:** FW: EPA Announces Additional Public Listening Sessions on Proposed Repeal of Clean Power Plan

And in the newsroom: <https://www.epa.gov/newsreleases/epa-announces-additional-public-listening-sessions-proposed-repeal-clean-power-plan>

**From:** "EPA Press Office" <press@epa.gov>  
**Date:** December 6, 2017 at 3:11:07 PM EST  
**Subject:** EPA Announces Additional Public Listening Sessions on Proposed Repeal of Clean Power Plan  
**Reply-To:** [press@epa.gov](mailto:press@epa.gov)

## **EPA Announces Additional Public Listening Sessions on Proposed Repeal of Clean Power Plan**

**WASHINGTON** (December 6, 2017) — The U.S. Environmental Protection Agency (EPA) will hold three additional public listening sessions on the proposed repeal of the Clean Power Plan in San Francisco, Calif., Gillette, Wyo. and Kansas City, Mo.

“Due to the overwhelming response to our West Virginia hearing, we are announcing additional opportunities for the public to voice their views to the Agency,” said **EPA Administrator Scott Pruitt**.

Public listening sessions will be on EPA’s proposed repeal of the Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (commonly known as the Clean Power Plan). Dates and specific locations will be released in coming weeks; please see the website for details. All persons wanting to speak are encouraged to register in advance.

“The Trump administration is listening to the people of Wyoming,” said **U.S. Senator John Barrasso (R-WY), chairman of the Senate Committee on Environment and Public Works (EPW)**. “Today’s announcement that the EPA will hold a listening session in Gillette, on the impacts of the so-called ‘Clean Power Plan,’ demonstrates the administration’s commitment to hear directly from the people who would have been hurt most by this punishing regulation. The Clean Power Plan would have meant lost jobs for energy workers in Gillette and across Wyoming. I am thankful to EPA Administrator Scott Pruitt for his leadership on this important issue.”

Registration information will be posted at: <https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan>

Oral comments and supporting information presented at each session will be included in the docket for this proceeding.

Written comments about EPA’s proposal must be received by the last day of the comment period, January 16, 2018. Comments should be identified by Docket ID No. EPA-HQ-OAR-2017-0355 and may be submitted by one of the methods listed on the Clean Power Plan Proposed Repeal: How to Comment web page.

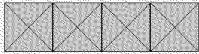
### **Background:**

Soon after the previous Administration issued the Clean Power Plan in 2015, 150 entities including 27 states, 24 trade associations, 37 rural electric co-ops, and three labor unions challenged the CPP, highlighting a range of legal and technical concerns. A few months later, the United States Supreme Court stayed the CPP, immediately halting implementation—the first time the Supreme Court had ever issued a stay to block the enforcement of a regulation.

On March 28, 2017, Administrator Pruitt signed a notice indicating the EPA’s intent to review the Clean Power Plan, in accord with the President’s Energy Independence Executive Order. On October 16, the EPA proposed to repeal the Clean Power Plan, proposing that it is not consistent with the Clean Air Act. EPA is now taking comment on that proposal and has extended the public comment period to January 16, 2018.

<http://usenvironmentalprotectionagency.cmail19.com/t/d-l-ukhdlhy-alydlulth-y/>

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1200 Pennsylvania Avenue Northwest  
Washington, D.C. 20004

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**To:** Culligan, Kevin[culligan.kevin@epa.gov]; Ashley, John[ashley.john@epa.gov]; Swanson, Nicholas[Swanson.Nicholas@epa.gov]  
**From:** Ashley, Jackie  
**Sent:** Wed 12/6/2017 8:30:45 PM  
**Subject:** EPA Announces Additional Public Listening Sessions on Proposed Repeal of Clean Power Plan

<https://www.epa.gov/newsreleases/epa-announces-additional-public-listening-sessions-proposed-repeal-clean-power-plan>

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Jackie Ashley - US EPA - Office of Air Quality Planning and Standards - 919-541-7664 – ashley.jackie@epa.gov

**To:** Wildermann, Rob[Wildermann.Rob@epa.gov]; Keaveny, Brian[Keaveny.Brian@epa.gov]  
**Cc:** ITG Web Team[ITGWebTeam@epa.gov]  
**From:** Ashley, Jackie  
**Sent:** Tue 10/10/2017 5:14:08 PM  
**Subject:** RE: Please post CPP  
FS-Proposed-Repeal-CPP-FINAL Oct10.pdf

Here's the fact sheet.

-----

Jackie Ashley - US EPA - Office of Air Quality Planning and Standards - 919-541-7664 – ashley.jackie@epa.gov

**From:** Ashley, Jackie  
**Sent:** Tuesday, October 10, 2017 1:05 PM  
**To:** Wildermann, Rob <Wildermann.Rob@epa.gov>; Keaveny, Brian <Keaveny.Brian@epa.gov>  
**Cc:** ITG Web Team <ITGWebTeam@epa.gov>  
**Subject:** Please post CPP  
**Importance:** High

Rob and Brian –

We are ready to post the CPP.

Rob -- Attached is the PDF of the FR notice of the proposed repeal. Please post the page <https://wcms.epa.gov/node/192241/revisions/593429/view>, then send me the link ASAP so I can update the fact sheet and send that to you.

**FR notice title:** Proposed Rule: Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric

Utility Generating Units (Pre-publication)

**Fact sheet title:** Fact Sheet: Proposal to Repeal the Clean Power Plan

**RIA title:** Regulatory Impact Analysis for the Review of the Clean Power Plan: Proposal

**Press release:** <https://www.epa.gov/newsreleases/epa-takes-another-step-advance-president-trumps-america-first-strategy-proposes-repeal>

Brian – Please post the RIA and reply all with the link, so Rob can link to it from <https://wcms.epa.gov/node/192249/revisions/593479/view>.

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Jackie Ashley - US EPA - Office of Air Quality Planning and Standards - 919-541-7664 – [ashley.jackie@epa.gov](mailto:ashley.jackie@epa.gov)

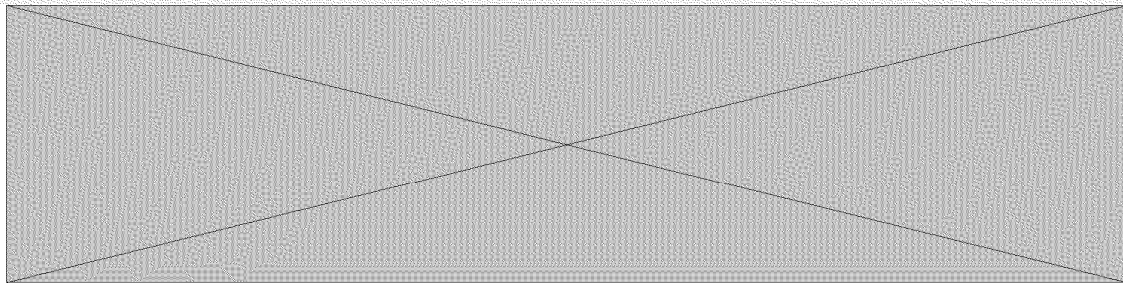
**To:** Haman, Patricia[haman.patricia@epa.gov]; Thundiyil, Karen[Thundiyil.Karen@epa.gov]  
**Cc:** Isabel DeLuca[DeLuca.Isabel@epa.gov]  
**From:** Ashley, Jackie  
**Sent:** Tue 10/10/2017 5:09:41 PM  
**Subject:** FW: EPA Proposes Repeal Of Clean Power Plan

Pat and Karen –

FYI. The web site is going up shortly. People will be able to get to it from  
<https://www.epa.gov/energy-independence>

Will send the direct link shortly. It will have the fact sheet, proposed rule, and RIA.

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Jackie Ashley - US EPA - Office of Air Quality Planning and Standards - 919-541-7664 –  
ashley.jackie@epa.gov



CONTACT: [press@epa.gov](mailto:press@epa.gov)

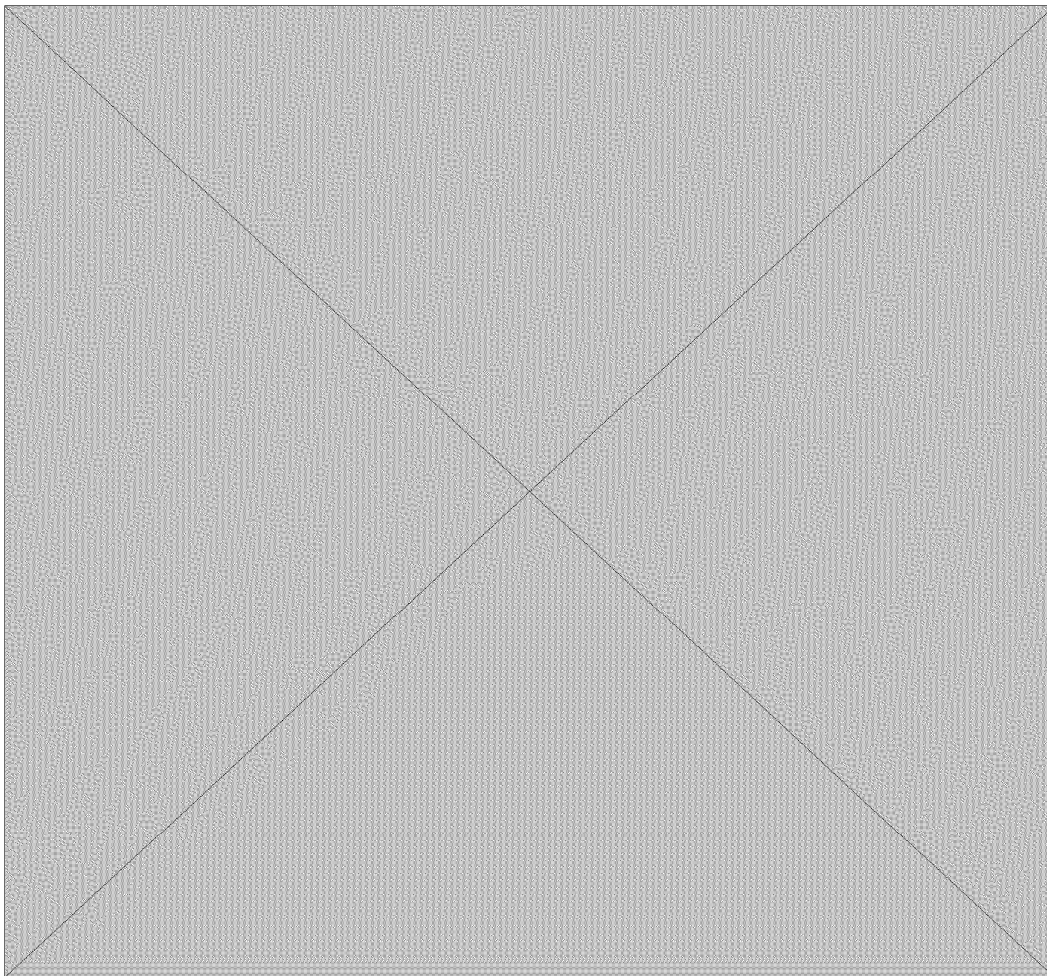
### **EPA Takes Another Step To Advance President Trump's America First Strategy, Proposes Repeal Of "Clean Power Plan"**

**WASHINGTON** (October 10, 2017) – Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt issued a Notice of Proposed Rulemaking (NPRM), proposing to repeal the so-called "Clean Power Plan (CPP)." After reviewing the CPP, EPA has proposed to determine that the Obama-era regulation exceeds the Agency's statutory authority. Repealing the CPP will also facilitate the development of U.S. energy resources and reduce unnecessary regulatory burdens associated with the development of those resources, in keeping with the principles established in President



## Trump's Executive Order on Energy Independence.

"The Obama administration pushed the bounds of their authority so far with the CPP that the Supreme Court issued a historic stay of the rule, preventing its devastating effects to be imposed on the American people while the rule is being challenged in court," **said EPA Administrator Scott Pruitt.** "We are committed to righting the wrongs of the Obama administration by cleaning the regulatory slate. Any replacement rule will be done carefully, properly, and with humility, by listening to all those affected by the rule."



## CPP Appears to be Inconsistent with the Clean Air Act

The CPP, issued by the Obama administration, was premised on a novel and expansive view of Agency authority that the Trump administration now proposes to determine is inconsistent with the Clean Air Act. In fact, the CPP was put on hold in February 2016, when the U.S. Supreme Court issued an unprecedented, historic stay of the rule.

"EPA will respect the limits of statutory authority. The CPP ignored states' concerns and eroded

longstanding and important partnerships that are a necessary part of achieving positive environmental outcomes. We can now assess whether further regulatory action is warranted; and, if so, what is the most appropriate path forward, consistent with the Clean Air Act and principles of cooperative federalism,” **said Administrator Pruitt.**

The CPP was issued pursuant to a novel and expansive view of authority under Section 111 of the Clean Air Act (CAA). The CPP required regulated entities to take actions “outside the fence line.” Traditionally, EPA Section 111 rules were based on measures that could be applied to, for, and at a particular facility, also referred to as “inside the fence line” measures. Prior to the CPP being issued, every single Section 111 rule on the books, including a handful of existing source rules and around 100 new-source rules, obeyed this limit. As the CPP departed from this traditional limit on EPA’s authority under an “inside the fence line” interpretation, EPA is proposing to repeal it.

EPA has now sent the NPRM to the Federal Register for publication. Upon publication, the public will have 60 days to submit comments.

The repeal package includes:

1. The “preamble,” which lays out the proposed legal interpretation, policy implications, and a summary of the cost-benefits analysis of the proposed repeal; and
2. The “Regulatory Impact Analysis (RIA),” an in-depth cost-benefit technical analysis.

### **CPP Repeal Saves up to \$33 Billion in Avoided Costs in 2030**

The proposed repeal both examines the Obama administration’s cost-benefit analysis, as well as provides insights to support an updated analysis of the environmental, health, and economic effects of the proposed repeal. The Trump administration estimates the proposed repeal could provide up to \$33 billion in avoided compliance costs in 2030.

The previous administration’s estimates and analysis of these costs and benefits was, in multiple areas, highly uncertain and/or controversial. Specific areas of controversy and/or uncertainty in the Obama administration’s analysis of CPP include:

- **Domestic versus global climate benefits:** The previous administration compared U.S. costs to an estimate of supposed global benefits, and failed to follow well-established economic procedures in estimating those benefits.
- **“Co-benefits” from non-greenhouse-gas pollutants:** The Obama administration relied heavily on reductions in other pollutants emitted by power plants, essentially hiding the true net cost of the CPP by claiming benefits from reducing pollutants that had nothing to do with the rule’s stated purpose.
- **Energy cost and savings accounting:** The Obama administration counted “energy efficiency” results of their rule as an avoided cost, resulting in a cost estimate being considerably lower than it would have been if they used the appropriate practice of considering these effects as benefits, rather than subtracting them from costs. Had the Obama administration used the Office of Management and Budget’s longstanding requirements and accounted cost and savings accordingly, it would have presented a more accurate accounting of the total cost of the CPP.

In this proposed repeal and its accompanying technical documents, this administration is, in a robust,

open, and transparent way, presenting a wide range of analysis scenarios to the public.

As part of the notice-and-comment process for this proposed repeal, EPA will continue this analysis and inform the public, as necessary, to get feedback on new modeling and other information. The final action on this proposed repeal will address the results of this ongoing work.

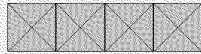
Forthcoming is an Advanced Notice of Proposed Rulemaking (ANPRM) that will be reflective of a thoughtful and responsible approach to regulatory action grounded within the authority provided by the statute.

“With this action, the Trump administration is respecting states’ role and reinstating transparency into how we protect our environment,” **said Administrator Pruitt.**

#### **Background:**

On March 28, President Trump signed an Executive Order on Energy Independence, establishing a national policy in favor of energy independence, economic growth, and the rule of law. The purpose of the Executive Order (EO) is to facilitate the development of U.S. energy resources and to reduce unnecessary regulatory burdens associated with the development of those resources. That same day, EPA Administrator Scott Pruitt signed four Federal Register notices in response to the EO, including a formal announcement of review of the Clean Power Plan. After substantial review, the Agency has proposed to determine that the Clean Power Plan (CPP) must be repealed.

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1200 Pennsylvania Avenue Northwest  
Washington, D.C. 20004

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**To:** Jenny Noonan[Noonan.Jenny@epa.gov]  
**From:** Ashley, Jackie  
**Sent:** Mon 10/30/2017 6:31:24 PM  
**Subject:** FW: Gov Inslee letter to Admin Pruitt re Clean Power Plan  
Governor Inslee, Letter to EPA re CPP Hearing, 10302017.pdf

-----  
Jackie Ashley - US EPA - Office of Air Quality Planning and Standards - 919-541-7664 – ashley.jackie@epa.gov

**From:** Ricketts, Sam (GOV) [mailto:Sam.Ricketts@gov.wa.gov]  
**Sent:** Monday, October 30, 2017 2:10 PM  
**To:** Bennett, Tate <Bennett.Tate@epa.gov>; AirAction <AirAction@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>  
**Cc:** Katims, Casey (GOV) <casey.katims@gov.wa.gov>  
**Subject:** Gov Inslee letter to Admin Pruitt re Clean Power Plan

Tate – Attached please find a letter from Governor Jay Inslee to Administrator Pruitt, requesting a hearing in Washington State on the EPA’s proposed repeal of the Clean Power Plan. I would appreciate your passing this along to the Administrator.

Scott – Please note you are copied on this letter

Thanks both

Sincerely,

**SAM RICKETTS**

Director of Federal & Inter-State Affairs | Governor’s Washington, DC Office| Office of Governor Jay Inslee

400 N. Capitol St. NW, Suite 372 | Washington, DC 20001

Desk: 202.624.3691 | Cell: 360.584.6362



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*Email communications with state employees are public records and may be subject to disclosure, pursuant to Ch. 42.56 RCW.*



**To:** Bremer, Kristen[bremer.kristen@epa.gov]  
**From:** Ashley, Jackie  
**Sent:** Mon 8/7/2017 6:30:16 PM  
**Subject:** FW: Clean Power Plan

Kristen –OAQPS staff received the email request below. Can you pass it along to the press office?

## Ex. 5 - Deliberative Process

**From:** Niina Heikkinen [mailto:nheikkinen@eenews.net]  
**Sent:** Monday, August 07, 2017 1:28 PM

**Subject:** Clean Power Plan

Hi,

My name is Niina Heikkinen and I'm a reporter with E&E News in D.C. I am just starting to cover what is happening with the Clean Power Plan rollback and was hoping you could tell me where the review stands under the EO 12866 regulatory review.

I'm looking for information on background and am happy not to publish your name. Thanks very much for your help.

Sincerely,

Niina Heikkinen

E&E News reporter

202-737-3715 (w)

413-687-1789 (c)

@nhheikkinen

Skype: niina.h.heikkinen

**To:** Jenny Noonan[Noonan.Jenny@epa.gov]  
**From:** Ashley, Jackie  
**Sent:** Thur 8/3/2017 5:25:00 PM  
**Subject:** To clarify and statement

Tuesday's CPP request was about outreach and was not from the NCSL. It was from Leslie Haymon, Policy Analyst, The Council of State Governments.

### **As for current statement on CPP**

In accordance with the directives contained in the President's Energy Independence Executive Order signed in late March, Administrator Pruitt issued notices indicating the agency's intent to review and, if appropriate, to propose to revise or rescind certain rules issued by the previous Administration, including the Clean Power Plan. In June, EPA submitted a proposed repeal of the Clean Power Plan, after reviewing it pursuant to the Executive Order.

### **Language about any next steps**

### **Q. If the EPA repeals CPP, would they replace it?**

As the Administrator has said, any additional steps on CPP are yet to be determined.  
(<https://www.eenews.net/eenewspm/2017/05/24/stories/1060055102>) We will continue a focus on getting back to basics.

-----

Jackie Ashley - US EPA - Office of Air Quality Planning and Standards - 919-541-7664 – ashley.jackie@epa.gov



**To:** Snyder, Carolyn[Snyder.Carolyn@epa.gov]; DeYoung, Robyn[DeYoung.Robyn@epa.gov]; Conlin, Beth[Conlin.Beth@epa.gov]  
**Cc:** Moss, Jacob[Moss.Jacob@epa.gov]; Gabbay, Altan[Gabbay.Altan@epa.gov]  
**From:** Bryson, Joe  
**Sent:** Mon 7/10/2017 8:59:43 PM  
**Subject:** RE: Final CPP EE Considerations -- PPT File, In Case of Interest  
EE in Final CPP Repeal July 10 Final.pptx

Attached are slides from the 2-330 discussion today ... in case anyone prefers electrons to paper.

Thanks,

Joe

Joe Bryson

US EPA, Climate Protection Partnerships Division

(202) 343-9631

-----Original Appointment-----

**From:** Bryson, Joe  
**Sent:** Tuesday, June 13, 2017 6:08 PM  
**To:** Bryson, Joe; Snyder, Carolyn; DeYoung, Robyn; Conlin, Beth  
**Cc:** Moss, Jacob; Gabbay, Altan  
**Subject:** Final CPP EE Considerations  
**When:** Monday, July 10, 2017 2:00 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).  
**Where:** CSO

Carolyn,

Last week you asked me to set up time to brief you on final CPP and EE considerations within that analysis. Ex. 6 - Personal Privacy of that week (28/29/30) and seem to be solidly booked on Monday/Tuesday, too. This looks like a good time the following week. I think it's helpful to include Beth and Robyn (EE-SIP connections). Let me know if I should add others.

Thanks,

Joe

**To:** Eschmann, Erich[Eschmann.Erich@epa.gov]  
**From:** Bryson, Joe  
**Sent:** Wed 8/9/2017 1:13:08 PM  
**Subject:** touch base at 400 or 430 today?

Hey Erich,

Sounds like CPP Repeal may start getting some direction/immediacy to it. Would you be available to touch base today at 400 or 430?

Thanks,

Joe

Joe Bryson

US EPA, Climate Protection Partnerships Division

(202) 343-9631

**To:** Agan, John[John.Agan@Hq.Doe.Gov]  
**From:** Bryson, Joe  
**Sent:** Tue 10/10/2017 9:47:55 PM  
**Subject:** link to EPA materials on CPP Repeal - rule, RIA, press release, fact sheet, how to comment

<https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan-0>

Thanks,

Joe

Joe Bryson

US EPA, Climate Protection Partnerships Division

(202) 343-9631



**To:** Adamantiades, Mikhail[Adamantiades.Mikhail@epa.gov]; Eschmann, Erich[Eschmann.Erich@epa.gov]  
**From:** Bryson, Joe  
**Sent:** Mon 6/26/2017 6:43:55 PM  
**Subject:** CPP Repeal

Can you give me an update on status of CPP Repeal proposal and OMB/OIRA interagency process?

## Ex. 5 - Deliberative Process

Joe

(202) 343-9631

**To:** Snyder, Carolyn[Snyder.Carolyn@epa.gov]  
**Cc:** Moss, Jacob[Moss.Jacob@epa.gov]  
**From:** Bryson, Joe  
**Sent:** Wed 1/3/2018 6:36:47 PM  
**Subject:** in case you want the ppt file I handed u from CPP call this morning  
CAA 111 Briefing\_01092018.pptx

Carolyn,

In case you want the ppt file I handed u from CPP call this morning ... attached.

## Ex. 5 - Deliberative Process

I'll plan to join you tomorrow/Thurs for pre-brief w/ Sarah/Peter at 12-1. Please let me know if that changes or if materials are sent beforehand.

Thanks,

Joe

Joe Bryson

US EPA, Climate Protection Partnerships Division

(202) 343-9631

**To:** Snyder, Carolyn[Snyder.Carolyn@epa.gov]  
**From:** Bryson, Joe  
**Sent:** Tue 10/24/2017 2:08:28 PM  
**Subject:** Call/mtg Today, 3-4pm: CPP Repeal RIA - Room C400A - **Ex. 6 - Personal Privacy**

Hey Carolyn,

FYI re this appointment (CPP Repeal RIA - Room C400A - Call In (919) **Ex. 6 - Personal Privacy**) - Jeb told me yesterday this would be happening this week. I believe **Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

Invite includes ALL of the key managers and staff across OAR on CPP (including Reid, Peter, Kevin, and Erika ... down thru me, Misha, Alex MacPherson, Fawcett, etc.).

I'll be there in-person. There's a call-in # if you want to join but I don't think it's critical.

Thanks,

Joe

Joe Bryson

US EPA, Climate Protection Partnerships Division

(202) 343-9631

**From:** Bryson, Joe  
**Location:** RTP-C400A-Max40/RTP-Bldg-C  
**Importance:** Normal  
**Subject:** Accepted: CPP Repeal RIA - Room C400A - Call In (919) Ex. 6 - Personal Privacy  
**Start Date/Time:** Tue 10/24/2017 7:00:00 PM  
**End Date/Time:** Tue 10/24/2017 8:00:00 PM

**To:** Eck, Janet[Eck.Janet@epa.gov]; Culligan, Kevin[Culligan.Kevin@epa.gov]  
**Cc:** Dunkins, Robin[Dunkins.Robin@epa.gov]  
**From:** Swanson, Nicholas  
**Sent:** Thur 10/5/2017 12:16:59 PM  
**Subject:** RE: EO 13771 and CPP

I will get it added this morning. Good catch and thanks much

**From:** Eck, Janet  
**Sent:** Wednesday, October 04, 2017 5:43 PM  
**To:** Culligan, Kevin <Culligan.Kevin@epa.gov>; Swanson, Nicholas  
<Swanson.Nicholas@epa.gov>  
**Cc:** Dunkins, Robin <Dunkins.Robin@epa.gov>  
**Subject:** EO 13771 and CPP  
**Importance:** High

Just want you to know that Executive Order 13771 (August 2017) Reducing Regulation and Controlling Regulatory Costs is missing from the CPP Repeal document. It should follow EO 12866 and is available in the ADP Library (<http://intranet.epa.gov/adplibrary/>). Thanks.

**To:** Culligan, Kevin[Culligan.Kevin@epa.gov]  
**From:** Swanson, Nicholas  
**Sent:** Tue 10/3/2017 8:30:49 PM  
**Subject:** FYI update  
[RLSO CPP Proposal.FR Notice.10.03.2017 v2.docx](#)

Kevin,

Attached is the latest version of the CPP Repeal in RLSO as an FYI. OGC has reviewed it, but want to make sure that they get a look at the edits from the econ ppl. Thanks

Nick

**To:** Mills, Kathy[Mills.Kathy@epa.gov]  
**Cc:** Morales, Mariel[Morales.Mariel@epa.gov]; Ashley, John[ashley.john@epa.gov]; Culligan, Kevin[Culligan.Kevin@epa.gov]; Fruh, Steve[Fruh.Steve@epa.gov]; Dunkins, Robin[Dunkins.Robin@epa.gov]; Swanson, Nicholas[Swanson.Nicholas@epa.gov]  
**From:** Hutson, Nick  
**Sent:** Tue 11/28/2017 6:38:45 PM  
**Subject:** RE: Bullets for Bill presentation

KB .. here's some info that you can use.

Nick

#### GHG Regulations / Clean Power Plan (CPP)

- Executive Order 13783
  - Directed the EPA to review the Clean Power Plan (CPP) and the CAA section 111(b) GHG NSPS and if appropriate, to initiate reconsideration proceedings to suspend, revise or rescind the rule(s).
- Proposed repeal of the CPP
  - Published on November 8, 2017
  - Public comment period extended to January 16, 2018
  - Public hearing held in Charleston, WV on November 28 – 29, 2017

## **Ex. 5 - Deliberative Process**

- CAA section 111(b) GHG standards for new, modified and reconstructed EGUs remains in effect.
  - Review of the standards – as directed by EO 13783 – is on-going.

## Mercury and Air Toxics Standards (MATS)

- At this time, all affected coal- and oil-fired power plants are subject to the final MATS rule.
- The EPA provided the maximum 3-year compliance period so sources were generally required to comply no later than April 16, 2015.
- Some sources obtained a one-year extension from their state permitting authority, allowed under the CAA, and so, were required to comply with the final rule by April 16, 2016.
- The EPA also issued five Administrative Orders allowing specific units that were critical to assure grid reliability to operate for up to one additional year (until April 16, 2017) in noncompliance with the final standards.
- The Department of Energy has authority under § 202(c) of the Federal Power Act to grant requests to operate in noncompliance beyond April 16, 2017 for units needed to assure grid reliability.
- On April 14, 2017, DOE issued a § 202(c) order for the Grand River Dam Authority (GRDA) to operate their Unit 1 until replacement capacity becomes available.
- On June 16, 2017, a 202(c) emergency order was issued authorizing the Dominion Energy Virginia to operate Yorktown Units 1 and 2 only as needed and as determined by PJM that generation from those units is needed in order to address reliability needs.
- All unresolved challenges to the rule or aspects of the rule or procedural challenges are currently being held in abeyance by the DC Circuit Court.
- Challenge to final requirements during periods of start-up and shut-down – held in abeyance pending outcome of similar litigation for Industrial Boiler MACT.
- Other challenges held in abeyance to allow review of the issues by the current Administration
  - Challenge to EPA’s April 25, 2016 “consideration of cost” supplemental finding (response to Supreme Court ruling in *Michigan v. EPA*).
  - Challenge to EPA’s denials of petitions for reconsideration of certain issues in the final MATS rule.



## Nick Hutson, PhD

Energy Strategies Group

Office of Air & Radiation

U.S. Environmental Protection Agency

Research Triangle Park, NC 27711

tel: +1 919 541 2968

email: hutson.nick@epa.gov

**From:** Mills, Kathy

**Sent:** Tuesday, November 28, 2017 12:32 PM

**To:** Hutson, Nick <Hutson.Nick@epa.gov>; Swanson, Nicholas <Swanson.Nicholas@epa.gov>

**Cc:** Morales, Mariel <Morales.Mariel@epa.gov>; Ashley, John <ashley.john@epa.gov>

**Subject:** Bullets for Bill presentation

Nick/Nick,

John A. is attending public hearing – need to pull CPP and MATS info together for Bill Wehrum’s speaking engagements next week – with Edison Electric Institute and a group of energy companies – on “regulatory developments affecting electricity generating units and other stationary sources.” Topics that EEI has indicated are of interest are: GHG Regs/CPP, NSR, Haze, NAAQS, interstate transport, and MATS/HAPs.

Bill has about 30 minutes scheduled to speak, with 30 minutes for Q&A. He has indicated that he would like PowerPoint slides covering recent actions, and he can speak to the details.

Please send bullets/PPT on CPP and MATS/HAPS topics to me. I’m happy to create PPT if that helps.

Thanks,

KB

Kathy “KB Mills ~ SPPD ~ U. S. EPA, OAQPS ~ 919-541-1599

**To:** Culligan, Kevin[Culligan.Kevin@epa.gov]; Swanson, Nicholas[Swanson.Nicholas@epa.gov]; Fruh, Steve[Fruh.Steve@epa.gov]; Cozzie, David[Cozzie.David@epa.gov]; Thompson, Lisa[Thompson.Lisa@epa.gov]  
**From:** Hutson, Nick  
**Sent:** Tue 2/13/2018 12:24:50 AM  
**Subject:** RE: SAB questions  
SAB Work Group Fact finding Spring 2017 Reg Rev - kc edits+nh.docx

## Ex. 5 - Deliberative Process

See my comments in the attached.

N.

Nick Hutson, PhD

Energy Strategies Group

Office of Air & Radiation

U.S. Environmental Protection Agency

Research Triangle Park, NC 27711

tel: +1 919 541 2968

email: hutson.nick@epa.gov

**From:** Culligan, Kevin  
**Sent:** Monday, February 12, 2018 11:56 AM

**To:** Hutson, Nick <Hutson.Nick@epa.gov>; Swanson, Nicholas <Swanson.Nicholas@epa.gov>; Fruh, Steve <Fruh.Steve@epa.gov>; Cozzie, David <Cozzie.David@epa.gov>; Thompson, Lisa <Thompson.Lisa@epa.gov>  
**Subject:** SAB questions

We got some follow-up from SAB on both the CPP repeal/replacement rule and the oil/gas rule.

Nick, Nick and Steve – can you take a look at my first crack at answers on the CPP stuff – page 2 of the attached.

David, Lisa – any thoughts on what we should say about oil/gas – page 2/3 of the attached

**To:** Culligan, Kevin[Culligan.Kevin@epa.gov]; Steiner, Elyse[Steiner.Elyse@epa.gov]  
**Cc:** Macpherson, Alex[Macpherson.Alex@epa.gov]  
**From:** Keaveny, Brian  
**Sent:** Mon 9/11/2017 2:41:46 PM  
**Subject:** interagency comments

Hi Kevin and Elyse,

As you know, in late July we received interagency comments on the draft RIA for the Review of the CPP. A few of these comments suggest specific edits to sentences that were not part of the draft RIA. This makes us think these comments may relate to draft preamble text that was submitted for interagency review.

Copied below are the interagency suggested edits in case they relate to the preamble and you haven't already seen them. The text in red is the suggested edit from interagency review.

## **Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

Please let me know if you have any questions.

- Brian

—

Brian Keaveny, Economist

Air Economics Group, HEID/OAQPS

U.S. EPA Office of Air and Radiation

MD C439-02, 109 TW Alexander Dr., RTP, NC 27711

Phone: 919-541-5238

**To:** Eck, Janet[Eck.Janet@epa.gov]  
**Cc:** Dunkins, Robin[Dunkins.Robin@epa.gov]; Culligan, Kevin[Culligan.Kevin@epa.gov]  
**From:** Swanson, Nicholas  
**Sent:** Wed 10/4/2017 6:51:02 PM  
**Subject:** CPP Repeal  
[CPP Repeal Action Information100417.docx](#)  
[CPP Repeal Action Memo 100317.docx](#)  
[CPP Repeal Cover Form.pdf](#)  
[CPP Repeal PROPOSAL Checklist.doc](#)  
[CPP Repeal Typesetting Request.pdf](#)  
[post it CPP Repeal 100317.docx](#)  
[CLEAN CPP Proposal.FR Notice.10.04.2017 v2.docx](#)

Janet,

Attached are all of the blue folder materials. Robin told me that this would be sufficient for this action. Please let me know if there is anything else that I can provide for you. Also, I will be walking up with a signed version of the Checklist in a few moments. Thanks

Nick

**To:** Culligan, Kevin[Culligan.Kevin@epa.gov]  
**Cc:** Sasser, Erika[Sasser.Erika@epa.gov]; Weatherhead, Darryl[Weatherhead.Darryl@epa.gov];  
Wayland, Robertj[Wayland.Robertj@epa.gov]; Keaveny, Brian[Keaveny.Brian@epa.gov]  
**From:** Macpherson, Alex  
**Sent:** Thur 10/5/2017 10:00:41 PM  
**Subject:** 10/5 version of CPP repeal RIA  
[EO12866 CPP Repeal 2060-AT55 Proposal RIA Spreadsheet 20171005.xlsx](#)  
[EO12866 CPP Repeal 2060-AT55 Proposal RIA 20171005 clean.docx](#)  
[EO12866 CPP Repeal 2060-AT55 Proposal RIA 20171005\\_RLSO.DOCX](#)

Kevin

Attached is the revised RIA (RLSO and clean versions) as well as the ROCIS spreadsheet. This version responds to comments received earlier today.

Let me know if you have any questions.

Thanks  
Alex

-----  
Alexander Macpherson, PhD

Senior Economist

Office of Air and Radiation

US Environmental Protection Agency

919-541-9770



**To:** Culligan, Kevin[Culligan.Kevin@epa.gov]; Keaveny, Brian[Keaveny.Brian@epa.gov]; Steiner, Elyse[Steiner.Elyse@epa.gov]  
**From:** Macpherson, Alex  
**Sent:** Fri 9/22/2017 12:29:14 AM  
**Subject:** RE: interagency comments

Kevin

## Ex. 5 - Deliberative Process

Thanks

Alex

**From:** Culligan, Kevin  
**Sent:** Friday, September 15, 2017 12:13 PM  
**To:** Macpherson, Alex <Macpherson.Alex@epa.gov>; Keaveny, Brian <Keaveny.Brian@epa.gov>; Steiner, Elyse <Steiner.Elyse@epa.gov>  
**Subject:** RE: interagency comments

Sounds good

**From:** Macpherson, Alex  
**Sent:** Friday, September 15, 2017 12:06 PM  
**To:** Culligan, Kevin <Culligan.Kevin@epa.gov>; Keaveny, Brian <Keaveny.Brian@epa.gov>; Steiner, Elyse <Steiner.Elyse@epa.gov>  
**Subject:** RE: interagency comments

## Ex. 5 - Deliberative Process

**From:** Culligan, Kevin  
**Sent:** Friday, September 15, 2017 11:25 AM  
**To:** Macpherson, Alex <[Macpherson.Alex@epa.gov](mailto:Macpherson.Alex@epa.gov)>; Keaveny, Brian <[Keaveny.Brian@epa.gov](mailto:Keaveny.Brian@epa.gov)>; Steiner, Elyse <[Steiner.Elyse@epa.gov](mailto:Steiner.Elyse@epa.gov)>  
**Subject:** RE: interagency comments

## Ex. 5 - Deliberative Process

**From:** Macpherson, Alex  
**Sent:** Friday, September 15, 2017 9:19 AM  
**To:** Culligan, Kevin <[Culligan.Kevin@epa.gov](mailto:Culligan.Kevin@epa.gov)>; Keaveny, Brian <[Keaveny.Brian@epa.gov](mailto:Keaveny.Brian@epa.gov)>; Steiner, Elyse <[Steiner.Elyse@epa.gov](mailto:Steiner.Elyse@epa.gov)>  
**Subject:** RE: interagency comments

One more that appears in the RIA comments. Please advise:

## Ex. 5 - Deliberative Process

**From:** Culligan, Kevin  
**Sent:** Monday, September 11, 2017 11:07 AM  
**To:** Keaveny, Brian <[Keaveny.Brian@epa.gov](mailto:Keaveny.Brian@epa.gov)>; Steiner, Elyse <[Steiner.Elyse@epa.gov](mailto:Steiner.Elyse@epa.gov)>  
**Cc:** Macpherson, Alex <[Macpherson.Alex@epa.gov](mailto:Macpherson.Alex@epa.gov)>  
**Subject:** RE: interagency comments

Thanks Brian

**From:** Keaveny, Brian

**Sent:** Monday, September 11, 2017 10:42 AM

**To:** Culligan, Kevin <[Culligan.Kevin@epa.gov](mailto:Culligan.Kevin@epa.gov)>; Steiner, Elyse <[Steiner.Elyse@epa.gov](mailto:Steiner.Elyse@epa.gov)>

**Cc:** Macpherson, Alex <[Macpherson.Alex@epa.gov](mailto:Macpherson.Alex@epa.gov)>

**Subject:** interagency comments

Hi Kevin and Elyse,

As you know, in late July we received interagency comments on the draft RIA for the Review of the CPP. A few of these comments suggest specific edits to sentences that were not part of the draft RIA. This makes us think these comments may relate to draft preamble text that was submitted for interagency review.

Copied below are the interagency suggested edits in case they relate to the preamble and you haven't already seen them. The text in red is the suggested edit from interagency review.

## **Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

Please let me know if you have any questions.

- Brian

---

Brian Keaveny, Economist

Air Economics Group, HEID/OAQPS

U.S. EPA Office of Air and Radiation

MD C439-02, 109 TW Alexander Dr., RTP, NC 27711

Phone: 919-541-5238

**To:** Culligan, Kevin[Culligan.Kevin@epa.gov]  
**From:** Swanson, Nicholas  
**Sent:** Mon 10/2/2017 7:32:12 PM  
**Subject:** RE: Need to talk ASAP  
[CLEAN CPP Proposal.FR Notice.10.02.2017.docx](#)  
[RLSO CPP Proposal.FR Notice.10.02.2017.docx](#)

Kevin,

Attached are the revised documents. Thanks

Nick

**From:** Culligan, Kevin  
**Sent:** Monday, October 02, 2017 3:15 PM  
**To:** Swanson, Nicholas <Swanson.Nicholas@epa.gov>  
**Subject:** Need to talk ASAP

**From:** Swanson, Nicholas  
**Sent:** Monday, October 02, 2017 2:30 PM  
**To:** Culligan, Kevin <Culligan.Kevin@epa.gov>  
**Subject:** Updated CPP Repeal Drafts for RIA

Kevin,

Attached are the documents that you requested. Please let me know if there is anything further that you would like on this. Thanks

Nick

**To:** Culligan, Kevin[Culligan.Kevin@epa.gov]  
**From:** Swanson, Nicholas  
**Sent:** Wed 10/4/2017 5:02:55 PM  
**Subject:** RE: Latest version of preamble  
[CLEAN CPP Proposal.FR Notice.10.04.2017 v2.docx](#)  
[RLSO CPP Proposal.FR Notice.10.04.2017 v2.docx](#)

Kevin,

Attached are a clean and a RLSO of the CPP Repeal with all the EOs filled in and up to date.  
Thanks

Nick

**From:** Culligan, Kevin  
**Sent:** Wednesday, October 04, 2017 12:43 PM  
**To:** Swanson, Nicholas <Swanson.Nicholas@epa.gov>  
**Subject:** FW: Latest version of preamble

**From:** Culligan, Kevin  
**Sent:** Wednesday, October 04, 2017 12:27 PM  
**To:** Ex. 6 - Personal Privacy [Domb.eop.gov](mailto:Domb.eop.gov)  
**Cc:** Elman, Barry <[Elman.Barry@epa.gov](mailto:Elman.Barry@epa.gov)>  
**Subject:** Latest version of preamble

Includes:

**Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**



**To:** Culligan, Kevin[Culligan.Kevin@epa.gov]  
**From:** Hutson, Nick  
**Sent:** Thur 9/21/2017 5:08:35 PM  
**Subject:** RE: CPP ANPRM - hold off on sending to OMB  
EO 12866 CPP Replacement 2060-AT67 ANPRM 20170921 OP+OGC redline.docx

Kevin ... just FYI ... in case anyone wants to see a redline that has both yesterday's OP and today's OGC edits ... a redline is attached.

Nick

## Nick Hutson, PhD

Energy Strategies Group

Office of Air & Radiation

U.S. Environmental Protection Agency

Research Triangle Park, NC 27711

tel: +1 919 541 2968

email: hutson.nick@epa.gov

**From:** Culligan, Kevin  
**Sent:** Thursday, September 21, 2017 12:41 PM  
**To:** Iglesias, Amber <Iglesias.Amber@epa.gov>  
**Cc:** Hutson, Nick <Hutson.Nick@epa.gov>; Eck, Janet <Eck.Janet@epa.gov>  
**Subject:** FW: CPP ANPRM - hold off on sending to OMB

Per our discussion, this is the version of the notice responsive to OMB comments for the 1:30 call with Mandy (and that will hopefully then be moving forward to OP and OMB).

- Kevin

**From:** Hutson, Nick

**Sent:** Thursday, September 21, 2017 11:01 AM

**To:** Culligan, Kevin <[Culligan.Kevin@epa.gov](mailto:Culligan.Kevin@epa.gov)>; Tsirigotis, Peter <[Tsirigotis.Peter@epa.gov](mailto:Tsirigotis.Peter@epa.gov)>;  
Fruh, Steve <[Fruh.Steve@epa.gov](mailto:Fruh.Steve@epa.gov)>

**Subject:** RE: CPP ANPRM - hold off on sending to OMB

All –

Attached are 'redline' and 'clean' versions of the ANPRM. The redline version shows places where OGC filled in [placeholders] with approved language from the CPP Repeal Proposal notice. It incorporates changes that were implemented in response to comments/suggestions that we got from OP yesterday.

I'll hold this until I hear next steps ... i.e., do we route this through Janet Eck (... who will be here after lunch)?

Nick

Nick Hutson, PhD

Energy Strategies Group

Office of Air & Radiation

U.S. Environmental Protection Agency

Research Triangle Park, NC 27711

tel: +1 919 541 2968

email: [hutson.nick@epa.gov](mailto:hutson.nick@epa.gov)

**From:** Culligan, Kevin  
**Sent:** Thursday, September 21, 2017 9:48 AM  
**To:** Hutson, Nick <[Hutson.Nick@epa.gov](mailto:Hutson.Nick@epa.gov)>  
**Subject:** FW: CPP ANPRM - hold off on sending to OMB

We will need a version ready to send before this 1:30 call.

**From:** Lewis, Josh  
**Sent:** Thursday, September 21, 2017 9:46 AM  
**To:** Culligan, Kevin <[Culligan.Kevin@epa.gov](mailto:Culligan.Kevin@epa.gov)>  
**Subject:** Fwd: CPP ANPRM - hold off on sending to OMB

Just FYI below. We are trying to set up a call with Mandy for 130 today. Will let you know if or when that is confirmed.

Begin forwarded message:

**From:** "Schwab, Justin" <[Schwab.Justin@epa.gov](mailto:Schwab.Justin@epa.gov)>  
**Date:** September 21, 2017 at 9:23:48 AM EDT  
**To:** "Dravis, Samantha" <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>, "Bolen, Brittany" <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>, "Owens, Nicole" <[Owens.Nicole@epa.gov](mailto:Owens.Nicole@epa.gov)>, "Dunham, Sarah" <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>, "Lewis, Josh" <[Lewis.Josh@epa.gov](mailto:Lewis.Josh@epa.gov)>  
**Cc:** "Gunasekara, Mandy" <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>  
**Subject:** CPP ANPRM - hold off on sending to OMB

Dear All,

After discussing with Mandy this morning, we feel it is necessary to hold off on sending the CPP ANPRM to OMB at this moment.

Please call me if you have any questions.

Best,

Justin

Sent from my iPhone

**To:** Culligan, Kevin[Culligan.Kevin@epa.gov]  
**From:** Swanson, Nicholas  
**Sent:** Mon 10/2/2017 6:29:57 PM  
**Subject:** Updated CPP Repeal Drafts for RIA  
[RLSO CPP Proposal.FR Notice.10.02.2017.docx](#)  
[CLEAN CPP Proposal.FR Notice.10.02.2017.docx](#)

Kevin,

Attached are the documents that you requested. Please let me know if there is anything further that you would like on this. Thanks

Nick

**To:** Culligan, Kevin[Culligan.Kevin@epa.gov]; Keaveny, Brian[Keaveny.Brian@epa.gov]; Steiner, Elyse[Steiner.Elyse@epa.gov]  
**From:** Macpherson, Alex  
**Sent:** Fri 9/15/2017 4:06:16 PM  
**Subject:** RE: interagency comments

OK, if this is the case, what would the RIA title be? This is the best I can think of:

## Ex. 5 - Deliberative Process

**From:** Culligan, Kevin  
**Sent:** Friday, September 15, 2017 11:25 AM  
**To:** Macpherson, Alex <Macpherson.Alex@epa.gov>; Keaveny, Brian <Keaveny.Brian@epa.gov>; Steiner, Elyse <Steiner.Elyse@epa.gov>  
**Subject:** RE: interagency comments

Verifying with OGC, but we are likely to go this way.

**From:** Macpherson, Alex  
**Sent:** Friday, September 15, 2017 9:19 AM  
**To:** Culligan, Kevin <Culligan.Kevin@epa.gov>; Keaveny, Brian <Keaveny.Brian@epa.gov>; Steiner, Elyse <Steiner.Elyse@epa.gov>  
**Subject:** RE: interagency comments

One more that appears in the RIA comments. Please advise:

## Ex. 5 - Deliberative Process

**From:** Culligan, Kevin  
**Sent:** Monday, September 11, 2017 11:07 AM  
**To:** Keaveny, Brian <[Keaveny.Brian@epa.gov](mailto:Keaveny.Brian@epa.gov)>; Steiner, Elyse <[Steiner.Elyse@epa.gov](mailto:Steiner.Elyse@epa.gov)>  
**Cc:** Macpherson, Alex <[Macpherson.Alex@epa.gov](mailto:Macpherson.Alex@epa.gov)>  
**Subject:** RE: interagency comments

Thanks Brian

**From:** Keaveny, Brian  
**Sent:** Monday, September 11, 2017 10:42 AM  
**To:** Culligan, Kevin <[Culligan.Kevin@epa.gov](mailto:Culligan.Kevin@epa.gov)>; Steiner, Elyse <[Steiner.Elyse@epa.gov](mailto:Steiner.Elyse@epa.gov)>  
**Cc:** Macpherson, Alex <[Macpherson.Alex@epa.gov](mailto:Macpherson.Alex@epa.gov)>  
**Subject:** interagency comments

Hi Kevin and Elyse,

As you know, in late July we received interagency comments on the draft RIA for the Review of the CPP. A few of these comments suggest specific edits to sentences that were not part of the draft RIA. This makes us think these comments may relate to draft preamble text that was submitted for interagency review.

Copied below are the interagency suggested edits in case they relate to the preamble and you haven't already seen them. The text in red is the suggested edit from interagency review.

## Ex. 5 - Deliberative Process

# **Ex. 5 - Deliberative Process**

Please let me know if you have any questions.

- Brian

---

Brian Keaveny, Economist

Air Economics Group, HEID/OAQPS

U.S. EPA Office of Air and Radiation

MD C439-02, 109 TW Alexander Dr., RTP, NC 27711

Phone: 919-541-5238



**To:** Culligan, Kevin[Culligan.Kevin@epa.gov]; Keaveny, Brian[Keaveny.Brian@epa.gov]; Steiner, Elyse[Steiner.Elyse@epa.gov]  
**From:** Macpherson, Alex  
**Sent:** Fri 9/15/2017 1:19:23 PM  
**Subject:** RE: interagency comments

One more that appears in the RIA comments. Please advise:

## Ex. 5 - Deliberative Process

**From:** Culligan, Kevin  
**Sent:** Monday, September 11, 2017 11:07 AM  
**To:** Keaveny, Brian <Keaveny.Brian@epa.gov>; Steiner, Elyse <Steiner.Elyse@epa.gov>  
**Cc:** Macpherson, Alex <Macpherson.Alex@epa.gov>  
**Subject:** RE: interagency comments

Thanks Brian

**From:** Keaveny, Brian  
**Sent:** Monday, September 11, 2017 10:42 AM  
**To:** Culligan, Kevin <Culligan.Kevin@epa.gov>; Steiner, Elyse <Steiner.Elyse@epa.gov>  
**Cc:** Macpherson, Alex <Macpherson.Alex@epa.gov>  
**Subject:** interagency comments

Hi Kevin and Elyse,

As you know, in late July we received interagency comments on the draft RIA for the Review of the CPP. A few of these comments suggest specific edits to sentences that were not part of the draft RIA. This makes us think these comments may relate to draft preamble text that was submitted for interagency review.

Copied below are the interagency suggested edits in case they relate to the preamble and you haven't already seen them. The text in red is the suggested edit from interagency review.

## **Ex. 5 - Deliberative Process**

Please let me know if you have any questions.

- Brian

---

Brian Keaveny, Economist

Air Economics Group, HEID/OAQPS

U.S. EPA Office of Air and Radiation

MD C439-02, 109 TW Alexander Dr., RTP, NC 27711

Phone: 919-541-5238

**To:** McGartland, Al[McGartland.Al@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Mon 10/2/2017 2:15:53 PM  
**Subject:** FW: CPP Repeal for Mandy  
[RLSO CPP Proposal.FR Notice.9.29.2017.docx](#)  
[CLEAN CPP Proposal.FR Notice.9.29.2017.docx](#)

Don't know if you've seen this, but this is what went to Mandy Friday night.

**From:** Eck, Janet  
**Sent:** Friday, September 29, 2017 5:06 PM  
**To:** Iglesias, Amber <Iglesias.Amber@epa.gov>  
**Cc:** Henigin, Mary <Henigin.Mary@epa.gov>; Rush, Alan <Rush.Alan@epa.gov>; Swanson, Nicholas <Swanson.Nicholas@epa.gov>; Dunkins, Robin <Dunkins.Robin@epa.gov>; Schrock, Bill <Schrock.Bill@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Thompson, Fred <Thompson.Fred@epa.gov>; French, Chuck <French.Chuck@epa.gov>  
**Subject:** FW: CPP Repeal for Mandy  
**Importance:** High

Hi Amber, Attached is a revised CPP repeal preamble (SAN 5548.7) incorporating comments from OMB. Also attached is a redline/strikeout document highlighting the changes made. Please forward to Mandy for her review. Also, please note that OAR staff and OGC wanted to make sure that senior OAR are aware of the following:

- Language in this document will need to change if the CPP ANPRM does not go out at the same time
- Confirm the language in section on "Executive Order 13132: Federalism" is adequate

Thanks for your help and have a good weekend.

**To:** Swanson, Nicholas[Swanson.Nicholas@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Fri 10/13/2017 7:02:56 PM  
**Subject:** attachment to be docketed  
CPP Repeal RIA Update for OMB.DOCX  
ATT00001.htm

**From:** Tsirigotis, Peter  
**Sent:** Thursday, September 14, 2017 1:03 PM  
**To:** Culligan, Kevin <Culligan.Kevin@epa.gov>  
**Subject:** Fwd: prospectus for analysis of CPP actions

Can you make sure to get this docketed at the right place/time? Thx

Begin forwarded message:

**From:** "McGartland, Al" <McGartland.Al@epa.gov>  
**Date:** September 14, 2017 at 12:21:16 PM EDT  
**To:** "Szabo, Aaron L. EOP/OMB" <Aaron\_L\_Szabo@omb.eop.gov>, "Laity, Jim A. EOP/OMB" <James\_A\_Laity@omb.eop.gov>  
**Cc:** "Tsirigotis, Peter" <Tsirigotis.Peter@epa.gov>, "Dravis, Samantha" <dravis.samantha@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>  
**Subject:** prospectus for analysis of CPP actions

Hi Jim and Aaron. We are anxious to discuss this and continue our progress. I believe Erika Sasser will be reaching out to try and set up some times to talk.

**To:** Ashley, John[ashley.john@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Tue 1/23/2018 6:59:24 PM  
**Subject:** FW: Date pieces  
[FS-Proposed-Repeal-CPP-FINAL Oct10.docx](#)  
[OAR-4 Clean Power Plan 1-10-18+OAQPS.DOCX](#)  
[4b. Clean Power Plan.docx](#)  
[fact sheet\\_111b Sept14 2015 CLEAN v2.docx](#)

**From:** Ashley, Jackie  
**Sent:** Tuesday, January 23, 2018 1:50 PM  
**To:** Culligan, Kevin <Culligan.Kevin@epa.gov>  
**Subject:** Date pieces

Here's what I have handy. Let me know if I can be of more help.

FS-Proposed-Repeal-CPP-FINAL Oct10.docx **(2017)**

- [REDACTED] Background section has some key dates after Publication on 10/23/15

OAR-4 Clean Power Plan 1-10-18+OAQPS.DOCX **(2018)**

- [REDACTED] Most recent hearing prep pager. Has a lot of dates

4b. Clean Power Plan.docx **(2017)**

- [REDACTED] A transition/nomination pager from the fall. Has some dates on (b) and (d)

fact sheet\_111b Sept14 2015 CLEAN v2.docx **(2015)**

- [REDACTED] Has a lot of the background dates on 111(b) up through final

-----

Jackie Ashley - US EPA - Office of Air Quality Planning and Standards - 919-541-7664 – [ashley.jackie@epa.gov](mailto:ashley.jackie@epa.gov)

**To:** Mazza, Carl[Mazza.Carl@epa.gov]  
**Cc:** Shoaff, John[Shoaff.John@epa.gov]; Koerber, Mike[Koerber.Mike@epa.gov]; Hockstad, Leif[Hockstad.Leif@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Tue 2/13/2018 5:02:25 PM  
**Subject:** RE: Spring 2017 Reg Agenda SAB Review - Fact Finding Teleconference

Thanks for the clarification.

**From:** Mazza, Carl  
**Sent:** Tuesday, February 13, 2018 12:00 PM  
**To:** Culligan, Kevin <Culligan.Kevin@epa.gov>  
**Cc:** Shoaff, John <Shoaff.John@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>; Hockstad, Leif <Hockstad.Leif@epa.gov>  
**Subject:** RE: Spring 2017 Reg Agenda SAB Review - Fact Finding Teleconference

I remain involved with all things SAB but so I don't confuse things, Leif has the OAPPS staff lead for the SAB Reg review process.

Will be interesting to see how Bill responds.

Thanks

**From:** Culligan, Kevin  
**Sent:** Tuesday, February 13, 2018 11:40 AM  
**To:** Mazza, Carl <Mazza.Carl@epa.gov>  
**Cc:** Shoaff, John <Shoaff.John@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>  
**Subject:** Spring 2017 Reg Agenda SAB Review - Fact Finding Teleconference

Carl,

Attached are draft answers. John said he'd be running them by Bill.

Ex. 5 - Deliberative Process



# Ex. 5 - Deliberative Process

Review of the Clean Power Plan (RIN 2060-AT55) and Review of Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Generating Units. (2060-AT56)

EPA has announced the following two planned actions: 2060-AT55 Review of the Clean Power Plan, and 2060-AT56 Review of Standards of Performance (commonly known as New Source Performance Standards) for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Generating Units. These will be referenced as CPP and NSPS, respectively.

Planned Actions 2060-AT55 and 2060-AT56 are similar in that the Agency proposes to rescind both rules on the premise that they exceed authority under section 111 of the Clean Air Act. However, the planned actions differ in that EPA appears to be planning a replacement to the CPP but appears to not be planning a replacement to the NSPS. With regard to the Clean Power Plan, for example, the Agency proposes that the determination of best system for emission reduction should include only measurements that can be applied directly to a source. Similarly, with regard to the standards of performance (commonly known as New Source Performance Standards) for greenhouse gas emissions from EGUs, EPA has announced that it "proposes to withdraw these standards on grounds that they exceed the statutory authority provided under section 111 of the Clean Air Act." EPA has indicated that the CPP may be revised, but has indicated that the NSPS will simply be rescinded.

However, the EPA has previously published justification for these rules that includes technical and economic assessment of possible compliance options that are applicable to individual power plants. These assessments include measures that can be applied directly to a source that go beyond "improving heat rate" and include, for example, the use of partial carbon capture and sequestration. There are myriad options that can be applied at an existing power plant, such as repowering, co-firing, fuel switching, and others, or at a new power plant, such as use of high efficiency supercritical steam cycles, co-firing, and others.

The scientific and technical basis for identifying and evaluating measures including heat rate

improvement, and other options that are applicable to individual plants, is not specified in the announcements of the planned actions. The identification and use of influential scientific information or highly influential scientific information is not explained. Given that some time has elapsed since the rule-making processes for the Clean Power Plan and for the Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Generating Units, information regarding the scientific and technical basis for identifying alternative measures applicable to individual power plants may have changed. Furthermore, there may be options applicable to individual plants that have yet to be considered by the Agency.

Can the Agency provide further details regarding what specific sources of new information will be used and how influential scientific information or highly influential scientific information will be properly vetted through a rigorous peer review process?

## Ex. 5 - Deliberative Process

With regard to the NSPS for greenhouse gas emissions from EGUs, and in light of the 2009 endangerment finding (<https://www.epa.gov/ghgemissions/endangerment-and-cause-or-contribute-findings-greenhouse-gases-under-section-202a-clean>), and the 2007 decision of the U.S. Supreme Court that greenhouse gases are air pollutants covered by the Clean Air Act, is EPA planning to replace the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units with a revised rule, or simply to rescind the rule without replacement?

## Ex. 5 - Deliberative Process

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Review of the 2016 Oil and Gas New Source Performance Standards for New, Reconstructed, and Modified Sources (RIN 2060-AT54)

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EPA has previously published justification and promulgated this planned action that includes technical and economic assessment of possible compliance options expected to reduce emissions

of greenhouse gases, including methane, and volatile organic compounds (VOCs) in the oil and natural gas industry (FR Vol. 81, No.107). The SAB considered the proposed Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources (RIN 2060–AS30) during the Chartered Science Advisory Board (SAB) Discussions of EPA Planned Agency Actions and their Supporting Science in the Fall 2014 Regulatory Agenda[1]. The SAB review considered proposed amendments to address remaining issues raised in the petitions and to correct technical errors that were inadvertently included in the final standards. Following publication of these final standards for the oil and natural gas sector and public comment including petitions for administrative reconsideration. After reviewing the technical white papers and receiving additional information, the Workgroup concluded that the EPA conducted expert and public input and in compiling all available information to identify the most important emissions activities and processes and the most efficient control techniques to minimize those emissions.

The SAB deferred consideration of related rule the Emission Guidelines for the Existing Oil and Natural Gas Sector (RIN 2060–AT29) in the Consideration of EPA Planned Actions in the Fall 2016 Unified (Regulatory) Agenda and their Supporting Science[2]. The SAB noted the agency has withdrawn the 2016 Information Collection Request (ICR) from the oil and gas industry; as a result, there is insufficient information to review and requested that the agency provide the SAB with more information about the scientific basis for this action as soon as that information becomes available. At that time, the SAB will determine whether it wishes to offer advice and comment to the Administrator.

Can the EPA provide further details regarding what specific sources of new information will be used and how influential scientific information or highly influential scientific information will be properly vetted through a rigorous peer review process?

This action has been withdrawn.

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[1] See the discussions for the Oil and Natural Gas Sector: Reconsideration of Remaining Provisions of New Source Performance Standards (2060- AS30). Available at: [https://yosemite.epa.gov/sab/sabproduct.nsf/8D67738EFAF3C69385257E3500532AF6/\\$File/Work+Group+Me](https://yosemite.epa.gov/sab/sabproduct.nsf/8D67738EFAF3C69385257E3500532AF6/$File/Work+Group+Me)

[2] Science Advisory Board (SAB) Consideration of EPA Planned Actions in the Fall 2016

Unified (Regulatory) Agenda and their Supporting Science. Available at:  
<https://yosemite.epa.gov/sab/sabproduct.nsf/02ad90b136fc21ef85256eba00436459/33B271F19A6D3AB485258SAB-17-007.pdf>

**To:** Elman, Barry[Elman.Barry@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Mon 7/24/2017 4:10:33 PM  
**Subject:** FW: CPP Repeal OMB Pkg  
[CPP Repeal Post-It Note.pdf](#)  
[ATT00001.htm](#)  
[Comm Plan CPP-draft Jun1.docx](#)  
[ATT00002.htm](#)  
[CPP Repeal OMB Transmittal Memo.docx](#)  
[ATT00003.htm](#)  
[EO12866 CPP Repeal 2060-AT55 Proposal RIA 20170602.docx](#)  
[ATT00004.htm](#)  
[EO12866 CPP Repeal 2060-AT55 Proposal RIA Spreadsheet 20170602.xlsx](#)  
[ATT00005.htm](#)  
[EO12866 CPP Repeal 2060-AT55 Proposal 20170602.docx](#)  
[ATT00006.htm](#)  
[CPP Repeal Action Memo 060217docx mk.docx](#)  
[ATT00007.htm](#)

**From:** Culligan, Kevin  
**Sent:** Wednesday, July 12, 2017 5:20 PM  
**To:** Cozzie, David <Cozzie.David@epa.gov>  
**Subject:** FW: CPP Repeal OMB Pkg

**From:** Culligan, Kevin  
**Sent:** Wednesday, July 12, 2017 9:53 AM  
**To:** Hutson, Nick <Hutson.Nick@epa.gov>  
**Subject:** FW: CPP Repeal OMB Pkg

Don't distribute, this is very close hold. (certainly share with Steve if that would be helpful, but talk to me if there is any need to go beyond that).

**From:** Culligan, Kevin  
**Sent:** Wednesday, June 07, 2017 10:38 AM

**To:** Harvey, Reid <[Harvey.Reid@epa.gov](mailto:Harvey.Reid@epa.gov)>  
**Subject:** FW: CPP Repeal OMB Pkg

**From:** "Eck, Janet" <[Eck.Janet@epa.gov](mailto:Eck.Janet@epa.gov)>  
**To:** "Rush, Alan" <[Rush.Alan@epa.gov](mailto:Rush.Alan@epa.gov)>  
**Cc:** "Iglesias, Amber" <[Iglesias.Amber@epa.gov](mailto:Iglesias.Amber@epa.gov)>, "Henigin, Mary" <[Henigin.Mary@epa.gov](mailto:Henigin.Mary@epa.gov)>, "Culligan, Kevin" <[Culligan.Kevin@epa.gov](mailto:Culligan.Kevin@epa.gov)>, "Steiner, Elyse" <[Steiner.Elyse@epa.gov](mailto:Steiner.Elyse@epa.gov)>, "Lamason, Bill" <[Lamason.Bill@epa.gov](mailto:Lamason.Bill@epa.gov)>, "Thompson, Fred" <[Thompson.Fred@epa.gov](mailto:Thompson.Fred@epa.gov)>, "French, Chuck" <[French.Chuck@epa.gov](mailto:French.Chuck@epa.gov)>, "Tsirigotis, Peter" <[Tsirigotis.Peter@epa.gov](mailto:Tsirigotis.Peter@epa.gov)>, "Weatherhead, Darryl" <[Weatherhead.Darryl@epa.gov](mailto:Weatherhead.Darryl@epa.gov)>, "Macpherson, Alex" <[Macpherson.Alex@epa.gov](mailto:Macpherson.Alex@epa.gov)>, "Sasser, Erika" <[Sasser.Erika@epa.gov](mailto:Sasser.Erika@epa.gov)>  
**Subject:** CPP Repeal OMB Pkg

Hi Alan, Attached is the Repeal of Carbon Dioxide Emission guidelines for Existing Stationary Sources: Electric Utility Generating Units (SAN 5548.7) for OMB review. Please forward to OP for upload into ROCIS. Thanks.

**To:** Jordan, Scott[Jordan.Scott@epa.gov]; Zenick, Elliott[Zenick.Elliott@epa.gov]; Baptist, Erik[baptist.erik@epa.gov]  
**Cc:** Srinivasan, Gautam[Srinivasan.Gautam@epa.gov]; Hostetler, Eric (ENRD)[Eric.Hostetler@usdoj.gov]  
**From:** Culligan, Kevin  
**Sent:** Thur 11/2/2017 7:30:25 PM  
**Subject:** RE: CPP Litigation - Next Status Report - November 9

## Ex. 5 - Attorney Client

**From:** Jordan, Scott  
**Sent:** Thursday, November 02, 2017 3:26 PM  
**To:** Zenick, Elliott <Zenick.Elliott@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>  
**Cc:** Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>  
**Subject:** Re: CPP Litigation - Next Status Report - November 9

[Adding Kevin Culligan]

Kevin and All -

Ex. 5 - Attorney Client

## Ex. 5 - Attorney Client

Scott Jordan

Air and Radiation Law Office

Office of General Counsel

202-564-7508

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**From:** Zenick, Elliott  
**Sent:** Thursday, November 2, 2017 3:16 PM  
**To:** Jordan, Scott; Baptist, Erik

**Cc:** Srinivasan, Gautam; Hostetler, Eric (ENRD)  
**Subject:** RE: CPP Litigation - Next Status Report - November 9

Scott—my understanding from Kevin Culligan is that it is just waiting for management signoff and comment before going back to OMB.

**From:** Jordan, Scott  
**Sent:** Thursday, November 02, 2017 2:57 PM  
**To:** Baptist, Erik <[baptist.erik@epa.gov](mailto:baptist.erik@epa.gov)>; Zenick, Elliott <[Zenick.Elliott@epa.gov](mailto:Zenick.Elliott@epa.gov)>  
**Cc:** Srinivasan, Gautam <[Srinivasan.Gautam@epa.gov](mailto:Srinivasan.Gautam@epa.gov)>; Hostetler, Eric (ENRD) <[Eric.Hostetler@usdoj.gov](mailto:Eric.Hostetler@usdoj.gov)>  
**Subject:** CPP Litigation - Next Status Report - November 9

Erik and Elliott -

Our next status report is due next week (Thursday, November 9), so it is time for me to check in to make sure I have the latest information to provide to DOJ.

I expect the key points will be:

## Ex. 5 - Attorney Client

Is there anything new to report on the ANRPM? The most recent status report (filed on October 10) said:

"EPA will be signing in the near future an Advance Notice of Proposed Rulemaking that will solicit information on systems of emission reduction that are in accord with the legal interpretation that has been proposed by EPA."



Scott Jordan

Air and Radiation Law Office

Office of General Counsel

202-564-7508

**To:** Jordan, Scott[Jordan.Scott@epa.gov]; Srinivasan, Gautam[Srinivasan.Gautam@epa.gov];  
Zenick, Elliott[Zenick.Elliott@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Tue 1/9/2018 4:45:20 PM  
**Subject:** RE: CPP Listening Sessions FR Notice - Timing - Before Jan 16

## **Ex. 5 - Attorney Client**

**From:** Jordan, Scott  
**Sent:** Tuesday, January 09, 2018 11:43 AM  
**To:** Culligan, Kevin <Culligan.Kevin@epa.gov>; Srinivasan, Gautam  
<Srinivasan.Gautam@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>  
**Subject:** CPP Listening Sessions FR Notice - Timing - Before Jan 16

Kevin -

## **Ex. 5 - Attorney Client**

Scott Jordan

Air and Radiation Law Office

Office of General Counsel

202-564-7508

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**From:** Culligan, Kevin  
**Sent:** Tuesday, January 9, 2018 9:54 AM  
**To:** Baptist, Erik; Jordan, Scott; Srinivasan, Gautam; Zenick, Elliott  
**Cc:** Hostetler, Eric (ENRD)  
**Subject:** RE: CPP Litigation - Draft Status Report - Review Requested

## Ex. 5 - Attorney Client

**From:** Baptist, Erik  
**Sent:** Monday, January 08, 2018 9:20 PM  
**To:** Jordan, Scott <[Jordan.Scott@epa.gov](mailto:Jordan.Scott@epa.gov)>; Srinivasan, Gautam <[Srinivasan.Gautam@epa.gov](mailto:Srinivasan.Gautam@epa.gov)>; Zenick, Elliott <[Zenick.Elliott@epa.gov](mailto:Zenick.Elliott@epa.gov)>; Culligan, Kevin <[Culligan.Kevin@epa.gov](mailto:Culligan.Kevin@epa.gov)>  
**Cc:** Hostetler, Eric (ENRD) <[Eric.Hostetler@usdoj.gov](mailto:Eric.Hostetler@usdoj.gov)>  
**Subject:** RE: CPP Litigation - Draft Status Report - Review Requested

Scott,

I do not have any edits to the draft status report. I defer to Kevin whether he has additional specificity re dates of listening sessions.

Thanks,

**Erik Baptist**

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-1689

[baptist.erik@epa.gov](mailto:baptist.erik@epa.gov)

**From:** Jordan, Scott

**Sent:** Monday, January 8, 2018 6:41 AM

**To:** Baptist, Erik <[Baptist.Erik@epa.gov](mailto:Baptist.Erik@epa.gov)>; Schmidt, Lorie <[Schmidt.Lorie@epa.gov](mailto:Schmidt.Lorie@epa.gov)>; Srinivasan, Gautam <[Srinivasan.Gautam@epa.gov](mailto:Srinivasan.Gautam@epa.gov)>; Zenick, Elliott <[Zenick.Elliott@epa.gov](mailto:Zenick.Elliott@epa.gov)>; Culligan, Kevin <[Culligan.Kevin@epa.gov](mailto:Culligan.Kevin@epa.gov)>

**Cc:** Hostetler, Eric (ENRD) <[Eric.Hostetler@usdoj.gov](mailto:Eric.Hostetler@usdoj.gov)>

**Subject:** CPP Litigation - Draft Status Report - Review Requested

Eric, Lorie, Gautam, Elliott and Kevin –

Attached is DOJ's draft status report in the CPP litigation, which is due to be filed this Wednesday, January 10.

The key paragraphs being updated are Paragraphs 5 and 6, which state as follows, with the updated text in highlight below:

## **Ex. 5 - Attorney Client**

# **Ex. 5 - Attorney Client**

Please let us know if you have any comments or questions about this draft text by COB on Tuesday. In particular, if there is any more specific information that we want to provide on the listening sessions (such as a more specific statement about when the notice will come out or the general time frame for when the listening sessions will be), please let us know.

Scott Jordan

Air and Radiation Law Office

Office of General Counsel

202-564-7508

**To:** Ferland, Henry[Ferland.Henry@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Thur 11/2/2017 6:15:47 PM  
**Subject:** CPP repeal background

Henry,

I've attached a link to the press release that we issued with the proposal

<https://www.epa.gov/newsreleases/epa-takes-another-step-advance-president-trumps-america-first-strategy-proposes-repeal>

This outlines the action we took and also provides background on the relationship to the executive order. There is one key update in that we have now announced a public hearing and extended the comment period to January 16, 2018.

<https://www.epa.gov/stationary-sources-air-pollution/public-hearing-repealing-clean-power-plan>

- Kevin

**To:** Lamason, Bill[Lamason.Bill@epa.gov]; Fruh, Steve[Fruh.Steve@epa.gov]; Srivastava, Ravi[Srivastava.Ravi@epa.gov]; Godfrey, Janice[Godfrey.Janice@epa.gov]; Hutson, Nick[Hutson.Nick@epa.gov]; Schaefer, John[Schaefer.John@epa.gov]; Swanson, Nicholas[Swanson.Nicholas@epa.gov]; Dunkins, Robin[Dunkins.Robin@epa.gov]  
**Cc:** Thompson, Fred[Thompson.Fred@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Thur 11/2/2017 4:51:57 PM  
**Subject:** ANPR Hearing press release and at the bottom of the e-mail link to the notice

HQ press office just issued the announcement –

And in the newsroom: <https://www.epa.gov/newsreleases/epa-announces-public-hearing-proposed-repeal-clean-power-plan>

## **EPA Announces Public Hearing on Proposed Repeal of Clean Power Plan**

**Hearing will be held November 28-29 in  
Charleston, WV**

**WASHINGTON** (November 2, 2017) — The U.S. Environmental Protection Agency (EPA) will hold a public hearing on the proposed repeal of the Clean Power Plan in Charleston, WV on November 28-29, 2017. All persons wanting to speak are encouraged to register in advance.

“The EPA is headed to the heart of coal country to hear from those most impacted by the CPP and get their comments on the proposed Repeal Rule. The agency looks forward to hearing from all interested stakeholders,” said **EPA Administrator Scott Pruitt**.

**What:** Public hearing on proposed repeal of the Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (commonly known as the Clean Power Plan).

**When:** November 28-29, 2017. The hearing will convene each day 9:00 a.m. (Eastern Standard Time) and will conclude at 5:00 p.m. If the EPA receives a high volume of requests, we may continue the public hearing to November 30, 2017. The EPA may also hold an additional hearing to be announced at a later date. See the website for updates about the hearing.

**Where:** West Virginia Capitol Complex, 1900 Kanawha Boulevard East, Charleston, West Virginia 25305.

**Contact:** Registration information will be posted at: <https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan>

Pre-registration to provide an oral presentation will begin when the notice is published in the Federal Register and close on November 16, 2017. People will be contacted about speaking slots via email starting on November 17, 2017.

Oral comments and supporting information presented at the public hearing will be considered with the same weight as written statements and supporting information submitted during the public comment period. Written comments must be received by the last day of the comment period, which has been extended to January 16, 2018. Comments should be identified by Docket ID No. EPA-HQ-OAR-2017-0355 and may be submitted by one of the methods listed on the Clean Power Plan Proposed Repeal: How to Comment web page.

**Background:** Soon after the previous Administration issued the Clean Power Plan in 2015, 150 entities including 27 states, 24 trade associations, 37 rural electric co-ops, and three labor unions challenged the CPP, highlighting a range of legal and technical concerns. A few months later, the United States Supreme Court stayed the CPP, immediately halting implementation—the first time the Supreme Court had ever issued a stay to block the enforcement of a regulation.

On March 28, 2017, Administrator Pruitt signed a notice indicating the EPA's intent to review the Clean Power Plan, in accord with the President's Energy Independence Executive Order. On October 16, the EPA proposed to repeal the Clean Power Plan, proposing that it is not consistent with the Clean Air Act. EPA is now taking comment on that proposal and has extended the public comment period to January 16, 2018.

More information about the public hearing, and the proposed rulemaking can be found online.

Link to notice

<https://www.epa.gov/stationary-sources-air-pollution/public-hearing-repealing-clean-power-plan>



**To:** Tsirigotis, Peter[Tsirigotis.Peter@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Thur 1/11/2018 5:29:21 PM  
**Subject:** FW: Revised Listening Sessions Notice Pkg  
CPP Repeal Listening Sessions Notice V5.docx

As requested

**To:** Baptist, Erik[baptist.erik@epa.gov]; Jordan, Scott[Jordan.Scott@epa.gov]; Srinivasan, Gautam[Srinivasan.Gautam@epa.gov]; Zenick, Elliott[Zenick.Elliott@epa.gov]  
**Cc:** Hostetler, Eric (ENRD)[Eric.Hostetler@usdoj.gov]  
**From:** Culligan, Kevin  
**Sent:** Tue 1/9/2018 2:54:23 PM  
**Subject:** RE: CPP Litigation - Draft Status Report - Review Requested

We hope to have the notice signed this week, but I'm not sure we'll be able to say that with one hundred percent certainty by tomorrow.

## Ex. 5 - Attorney Client

## Ex. 5 - Attorney Client

**From:** Baptist, Erik  
**Sent:** Monday, January 08, 2018 9:20 PM  
**To:** Jordan, Scott <Jordan.Scott@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>  
**Cc:** Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>  
**Subject:** RE: CPP Litigation - Draft Status Report - Review Requested

Scott,

I do not have any edits to the draft status report. I defer to Kevin whether he has additional specificity re dates of listening sessions.

Thanks,

**Erik Baptist**

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-1689

[baptist.erik@epa.gov](mailto:baptist.erik@epa.gov)

**From:** Jordan, Scott

**Sent:** Monday, January 8, 2018 6:41 AM

**To:** Baptist, Erik <[Baptist.Erik@epa.gov](mailto:Baptist.Erik@epa.gov)>; Schmidt, Lorie <[Schmidt.Lorie@epa.gov](mailto:Schmidt.Lorie@epa.gov)>;  
Srinivasan, Gautam <[Srinivasan.Gautam@epa.gov](mailto:Srinivasan.Gautam@epa.gov)>; Zenick, Elliott <[Zenick.Elliott@epa.gov](mailto:Zenick.Elliott@epa.gov)>;  
Culligan, Kevin <[Culligan.Kevin@epa.gov](mailto:Culligan.Kevin@epa.gov)>

**Cc:** Hostetler, Eric (ENRD) <[Eric.Hostetler@usdoj.gov](mailto:Eric.Hostetler@usdoj.gov)>

**Subject:** CPP Litigation - Draft Status Report - Review Requested

Eric, Lorie, Gautam, Elliott and Kevin –

Attached is DOJ's draft status report in the CPP litigation, which is due to be filed this Wednesday, January 10.

The key paragraphs being updated are Paragraphs 5 and 6, which state as follows, with the updated text in highlight below:

## **Ex. 5 - Attorney Work Product**

# **Ex. 5 - Attorney Work Product**

Please let us know if you have any comments or questions about this draft text by COB on Tuesday. In particular, if there is any more specific information that we want to provide on the listening sessions (such as a more specific statement about when the notice will come out or the general time frame for when the listening sessions will be), please let us know.

Scott Jordan

Air and Radiation Law Office

Office of General Counsel

202-564-7508

**To:** Cortelyou-Lee, Jan[Cortelyou-Lee.Jan@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Wed 11/22/2017 5:57:01 PM  
**Subject:** Re: Contact List for Public Hearing

Ex. 6 - Personal Privacy

Sent from my iPhone

On Nov 22, 2017, at 12:51 PM, Cortelyou-Lee, Jan <[Cortelyou-Lee.Jan@epa.gov](mailto:Cortelyou-Lee.Jan@epa.gov)> wrote:

Thanks for your quick responses –

Hope you all have a nice Thanksgiving and safe travels to WV. Looking forward to seeing you early next week. - jan

**Proposed CPP Repeal Hearing  
Charleston, WV - Nov 2017**

Contact	Cell Number
Alison Davis	Ex. 6 - Personal Privacy
Amber Iglesias	
Bill Harnett	
Christina Fernandez	
Dave Arnold	
Donna Mastro	
Emily Linn	
Gabrielle Raymond	
Jackie Ashley	
James Hewitt	
Jan Cortelyou	
Jenny Noonan	
John Ashley	
John Millett	
Mark Ferrell	
Mike Gordon	
Pat Egan	
Reid Harvey	
Rick Hacuber	

Jan Cortelyou-Lee

US Environmental Protection Agency

Office of Air Quality Planning and Standards

MD-C404-03

109 TW Alexander Drive

Research Triangle Park, NC 27709

Desk: 919-541-5393

Cell: 919-368-5734

**From:** Cortelyou-Lee, Jan

**Sent:** Tuesday, November 21, 2017 1:41 PM

**To:** Noonan, Jenny <[Noonan.Jenny@epa.gov](mailto:Noonan.Jenny@epa.gov)>; Godfrey, Janice <[Godfrey.Janice@epa.gov](mailto:Godfrey.Janice@epa.gov)>; Ashley, Jackie <[Ashley.Jackie@epa.gov](mailto:Ashley.Jackie@epa.gov)>; Thompson, Fred <[Thompson.Fred@epa.gov](mailto:Thompson.Fred@epa.gov)>; Culligan, Kevin <[Culligan.Kevin@epa.gov](mailto:Culligan.Kevin@epa.gov)>; Iglesias, Amber <[Iglesias.Amber@epa.gov](mailto:Iglesias.Amber@epa.gov)>; Davis, Alison <[Davis.Alison@epa.gov](mailto:Davis.Alison@epa.gov)>; Egan, Patrick <[egan.patrick@epa.gov](mailto:egan.patrick@epa.gov)>; Linn, Emily <[linn.emily@epa.gov](mailto:linn.emily@epa.gov)>; Scott, Gail <[Scott.Gail@epa.gov](mailto:Scott.Gail@epa.gov)>; Gordon, Michael <[Gordon.Mike@epa.gov](mailto:Gordon.Mike@epa.gov)>; Ferrell, Mark <[Ferrell.Mark@epa.gov](mailto:Ferrell.Mark@epa.gov)>; Millett, John <[Millett.John@epa.gov](mailto:Millett.John@epa.gov)>; DeLuca, Isabel <[DeLuca.Isabel@epa.gov](mailto:DeLuca.Isabel@epa.gov)>; D'Andrea, Michael <[DANDREA.MICHAEL@EPA.GOV](mailto:DANDREA.MICHAEL@EPA.GOV)>; Harvey, Reid <[Harvey.Reid@epa.gov](mailto:Harvey.Reid@epa.gov)>; Haeuber, Richard <[Haeuber.Richard@epa.gov](mailto:Haeuber.Richard@epa.gov)>; Fernandez, Cristina <[Fernandez.Cristina@epa.gov](mailto:Fernandez.Cristina@epa.gov)>; Arnold, David <[arnold.david@epa.gov](mailto:arnold.david@epa.gov)>; Aquino, Marcos <[Aquino.Marcos@epa.gov](mailto:Aquino.Marcos@epa.gov)>; Mastro, Donna <[mastro.donna@epa.gov](mailto:mastro.donna@epa.gov)>; Schafer, Joan <[schafer.joan@epa.gov](mailto:schafer.joan@epa.gov)>; Brennan, Thomas <[Brennan.Thomas@epa.gov](mailto:Brennan.Thomas@epa.gov)>; Ashley, John <[ashley.john@epa.gov](mailto:ashley.john@epa.gov)>; Haman, Patricia <[Haman.Patricia@epa.gov](mailto:Haman.Patricia@epa.gov)>; Bowles, Jack <[Bowles.Jack@epa.gov](mailto:Bowles.Jack@epa.gov)>; Henigin, Mary <[Henigin.Mary@epa.gov](mailto:Henigin.Mary@epa.gov)>; Davis, Matthew <[Davis.Matthew@epa.gov](mailto:Davis.Matthew@epa.gov)>; Shimmin, Kaitlyn <[shimmin.kaitlyn@epa.gov](mailto:shimmin.kaitlyn@epa.gov)>; Harnett, Bill <[Harnett.Bill@epa.gov](mailto:Harnett.Bill@epa.gov)>  
**Cc:** Dominguez, Alexander <[dominguez.alexander@epa.gov](mailto:dominguez.alexander@epa.gov)>; Wilson, Erika <[Wilson.Erika@epa.gov](mailto:Wilson.Erika@epa.gov)>; Hewitt, James <[hewitt.james@epa.gov](mailto:hewitt.james@epa.gov)>  
**Subject:** RE: Public hearing on the proposed Clean Power Plan repeal

Folks – if you are attending the public hearing, please send me a cell number where you can be reached next week while we are in Charleston. I'll make a list and send it out to the group attending.

Thanks - jan

Jan Cortelyou-Lee

US Environmental Protection Agency

Office of Air Quality Planning and Standards

MD-C404-03

109 TW Alexander Drive

Research Triangle Park, NC 27709

Desk: 919-541-5393

Cell: 919-368-5734

-----Original Appointment-----

**From:** Noonan, Jenny

**Sent:** Friday, November 17, 2017 4:10 PM

**To:** Noonan, Jenny; Godfrey, Janice; Ashley, Jackie; Thompson, Fred; Culligan, Kevin; Iglesias, Amber; Cortelyou-Lee, Jan; Davis, Alison; Egan, Patrick; Linn, Emily; Scott, Gail; Gordon, Michael; Ferrell, Mark; Millett, John; DeLuca, Isabel; D'Andrea, Michael; Harvey, Reid; Haeuber, Richard; Fernandez, Cristina; Arnold, David; Aquino, Marcos; Mastro, Donna; Schafer, Joan; Brennan, Thomas; Ashley, John; Haman, Patricia; Bowles, Jack; Henigin, Mary; Davis, Matthew; Shimmin, Kaitlyn; Harnett, Bill

**Cc:** Dominguez, Alexander; Wilson, Erika; Hewitt, James

**Subject:** Public hearing on the proposed Clean Power Plan repeal

**When:** Tuesday, November 21, 2017 11:30 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).

**Where:** 1866-299-3188 code Ex. 6 - Personal Privacy

## **Agenda**

Overview – Jenny Noonan

Registration – Jackie Ashley

Media – John Millett

Logistics – Jan Cortelyou and Mark Ferrell



**To:** Tsirigotis, Peter[Tsirigotis.Peter@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Thur 1/11/2018 4:04:32 AM  
**Subject:** Fwd: CPP Repeal Listening Sessions Notice  
[CPP Repeal Listening Sessions Notice Action Information.docx](#)  
[ATT00001.htm](#)  
[CPP Repeal ListeningSessions FR Cover Form.pdf](#)  
[ATT00002.htm](#)  
[Repeal CPP Repeal ListeningSessionsTypesettingRqst.pdf](#)  
[ATT00003.htm](#)  
[CPP Repeal Listening Sessions Post-It Note.pdf](#)  
[ATT00004.htm](#)  
[CPP Repeal Listening Sessions ActionMemo10Jan18.docx](#)  
[ATT00005.htm](#)  
[CPP Repeal Listening Sessions Notice V2 .docx](#)  
[ATT00006.htm](#)

Can't send just the FR notice from my I-phone. You want the last word document. If you can't find the right one, I can resend just the notice from my computer in the morning

Sent from my iPhone

Begin forwarded message:

**From:** "Eck, Janet" <Eck.Janet@epa.gov>  
**To:** "Rush, Alan" <Rush.Alan@epa.gov>  
**Cc:** "Iglesias, Amber" <Iglesias.Amber@epa.gov>, "Henigin, Mary" <Henigin.Mary@epa.gov>, "Ashley, John" <ashley.john@epa.gov>, "Boyd, Rochelle" <Boyd.Rochelle@epa.gov>, "Culligan, Kevin" <Culligan.Kevin@epa.gov>, "French, Chuck" <French.Chuck@epa.gov>, "Noonan, Jenny" <Noonan.Jenny@epa.gov>  
**Subject:** CPP Repeal Listening Sessions Notice

**To:** Zenick, Elliott[Zenick.Elliott@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Mon 1/8/2018 6:29:32 PM  
**Subject:** FW: Revised Draft of Listening Sessions FR Notice  
Draft CPP Repeal Listening Sessions Notice.docx

Current version of extension notice.

**To:** Macpherson, Alex[Macpherson.Alex@epa.gov]; Sasser, Erika[Sasser.Erika@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Wed 9/27/2017 5:38:30 PM  
**Subject:** RE: CPP

We are still working on an updated version of the preamble to send. Think we can put it in there.

**From:** Macpherson, Alex  
**Sent:** Wednesday, September 27, 2017 1:04 PM  
**To:** Sasser, Erika <Sasser.Erika@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>  
**Subject:** RE: CPP

We need to revise the 12866 to be more detailed, so we can fold the request for comments into that when we do it?

**From:** Sasser, Erika  
**Sent:** Wednesday, September 27, 2017 1:02 PM  
**To:** Macpherson, Alex <Macpherson.Alex@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>  
**Subject:** RE: CPP

I agree. Are we going to take comment in preamble 12866 section on RIA? Nothing in there to that effect now. Perhaps that can be added after it goes to OMB. Is the notice over there already?

**From:** Macpherson, Alex  
**Sent:** Wednesday, September 27, 2017 12:56 PM  
**To:** Culligan, Kevin <Culligan.Kevin@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>  
**Subject:** RE: CPP

We read this and are not seeing any potential conflicts with RIA.

Alex

**From:** Culligan, Kevin

**Sent:** Wednesday, September 27, 2017 12:16 PM

**To:** Sasser, Erika <[Sasser.Erika@epa.gov](mailto:Sasser.Erika@epa.gov)>; Macpherson, Alex <[Macpherson.Alex@epa.gov](mailto:Macpherson.Alex@epa.gov)>

**Subject:** FW: CPP

**To:** Hutson, Nick[Hutson.Nick@epa.gov]; South, Peter[South.Peter@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Mon 1/8/2018 6:28:15 PM  
**Subject:** RE: HEID's edits to slides

Nick,

Sorry I did not notice this earlier, but I think that Brian Keavney is going to do slides 8,9 and 12? If so, should we move slide 12 up so it follows 9? That way you can do slides 1-7, Brian does 8-10 and Misha does 11-12.

- Kevin

**From:** Hutson, Nick  
**Sent:** Monday, January 08, 2018 1:01 PM  
**To:** Culligan, Kevin <Culligan.Kevin@epa.gov>; South, Peter <South.Peter@epa.gov>  
**Subject:** HEID's edits to slides

Kevin, Pete ... see updated slides ... edits from previous are provided below

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

Nick Hutson, PhD

Energy Strategies Group

Office of Air & Radiation

U.S. Environmental Protection Agency

Research Triangle Park, NC 27711

tel: +1 919 541 2968

email: [hutson.nick@epa.gov](mailto:hutson.nick@epa.gov)

**To:** Swanson, Nicholas[Swanson.Nicholas@epa.gov]  
**Cc:** Dunkins, Robin[Dunkins.Robin@epa.gov]; StClair, Aimee[StClair.Aimee@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Wed 11/29/2017 8:43:51 PM  
**Subject:** Re: CMS Response

Sounds good

Sent from my iPhone

On Nov 29, 2017, at 3:14 PM, Swanson, Nicholas <Swanson.Nicholas@epa.gov> wrote:

Jonathan gave his blessing Ex. 5 - Deliberative Process I will send along to Mariel in 30 minutes unless I hear otherwise. Thanks all

**From:** Swanson, Nicholas  
**Sent:** Wednesday, November 29, 2017 2:40 PM  
**To:** Culligan, Kevin <Culligan.Kevin@epa.gov>  
**Cc:** Dunkins, Robin <Dunkins.Robin@epa.gov>; StClair, Aimee <StClair.Aimee@epa.gov>  
**Subject:** RE: CMS Response

Sent a copy to Jonathan Skinner-Thompson about 30 min ago and waiting a response.  
Robin and I both agree Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

**From:** Culligan, Kevin  
**Sent:** Wednesday, November 29, 2017 2:39 PM  
**To:** Swanson, Nicholas <Swanson.Nicholas@epa.gov>  
**Cc:** Dunkins, Robin <Dunkins.Robin@epa.gov>; StClair, Aimee <StClair.Aimee@epa.gov>  
**Subject:** Re: CMS Response

Looks good. Did you run it by OGC?

Sent from my iPhone

On Nov 29, 2017, at 12:47 PM, Swanson, Nicholas <[Swanson.Nicholas@epa.gov](mailto:Swanson.Nicholas@epa.gov)> wrote:

Kevin and Robin,

I believe that this is ready to be sent back via CMS re: UARG's request for merging the CPP and CPP repeal dockets. Please let me know if you have any feedback

Nick

<CMS Correspondance AX-18-000-1515.docx>



**To:** Sasser, Erika[Sasser.Erika@epa.gov]; Macpherson, Alex[Macpherson.Alex@epa.gov]; Fann, Neal[Fann.Neal@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Mon 10/2/2017 3:28:46 PM  
**Subject:** RE: CPP Repeal - updated version

Makes sense to me and helps get at your more fundamental questions which is good.

**From:** Sasser, Erika  
**Sent:** Monday, October 02, 2017 11:28 AM  
**To:** Culligan, Kevin <Culligan.Kevin@epa.gov>; Macpherson, Alex <Macpherson.Alex@epa.gov>; Fann, Neal <Fann.Neal@epa.gov>  
**Subject:** FW: CPP Repeal - updated version

## Ex. 5 - Deliberative Process

comments/suggested changes there. Are you OK if I respond that way, or do you see something more fundamental that I'm missing.

**From:** Lewis, Josh  
**Sent:** Monday, October 02, 2017 10:59 AM  
**To:** Page, Steve <Page.Steve@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>  
**Cc:** South, Peter <South.Peter@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>  
**Subject:** FW: CPP Repeal - updated version

See below for the latest from Mandy on the CPP. Appreciate any insights you have on her comment Ex. 5 - Deliberative Process ..before noon if possible, as we'll be meeting w/ her then.

**From:** Gunasekara, Mandy

**Sent:** Monday, October 02, 2017 10:44 AM

**To:** Lewis, Josh <[Lewis.Josh@epa.gov](mailto:Lewis.Josh@epa.gov)>

**Cc:** Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>; Bolen, Brittany <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>;

Schwab, Justin <[Schwab.Justin@epa.gov](mailto:Schwab.Justin@epa.gov)>

**Subject:** RE: CPP Repeal - updated version

## Ex. 5 - Deliberative Process

RIA (see attached), which I'd like to better incorporate. We can discuss further at the noon meeting.

Thanks,

Mandy

**From:** Lewis, Josh

**Sent:** Friday, September 29, 2017 5:29 PM

**To:** Gunasekara, Mandy <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>

**Cc:** Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>

**Subject:** Fwd: CPP Repeal - updated version

Attached is the revised CPP repeal preamble incorporating comments from OMB. Also attached is a redline/strikeout document highlighting the changes made.

Couple of things that staff want to highlight/note:

## Ex. 5 - Deliberative Process

**To:** Rosencrantz, Ingrid[Rosencrantz.Ingrid@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Thur 10/26/2017 6:21:47 PM  
**Subject:** Link to CPP repeal notice website

Includes the notice itself, a fact sheet and the RIA

<https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan-0>

Look forward to chatting more tomorrow

**Cc:** Hutson, Nick[Hutson.Nick@epa.gov]  
**To:** Eck, Janet[Eck.Janet@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Fri 10/6/2017 5:39:33 PM  
**Subject:** Re: CPP Repeal Pkg for OMB

We can also move package to OP. Should be cleared soon

Sent from my iPhone

On Oct 6, 2017, at 1:28 PM, Eck, Janet <[Eck.Janet@epa.gov](mailto:Eck.Janet@epa.gov)> wrote:

Thanks.

<EO12866\_CPP Repeal 2060-AT55 Proposal\_20171005.docx>

<EO12866\_CPP Repeal 2060-AT55 Proposal RIA\_20171006.docx>

**To:** Sasser, Erika[Sasser.Erika@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Mon 10/2/2017 3:12:16 PM  
**Subject:** RE: CPP Repeal - updated version

We don't have any new comments from OMB, but I'll send the old ones.

**From:** Sasser, Erika  
**Sent:** Monday, October 02, 2017 11:07 AM  
**To:** Culligan, Kevin <Culligan.Kevin@epa.gov>  
**Subject:** RE: CPP Repeal - updated version  
**Importance:** High

Kevin-- Can you send me the preamble and OMB comments on it? Josh attached the RIA comments, but I have those already and as I read Mandy's note it is about the preamble to the rule itself.

**From:** Lewis, Josh  
**Sent:** Monday, October 02, 2017 10:59 AM  
**To:** Page, Steve <Page.Steve@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>  
**Cc:** South, Peter <South.Peter@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>  
**Subject:** FW: CPP Repeal - updated version

See below for the latest from Mandy on the CPP. Appreciate any insights you have on her comment **Ex. 5 - Deliberative Process** ..before noon if possible, as we'll be meeting w/ her then.

**From:** Gunasekara, Mandy  
**Sent:** Monday, October 02, 2017 10:44 AM  
**To:** Lewis, Josh <Lewis.Josh@epa.gov>  
**Cc:** Dunham, Sarah <Dunham.Sarah@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>  
**Subject:** RE: CPP Repeal - updated version

## Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

RIA (see attached), which I'd like to better incorporate. We can discuss further at the noon meeting.

Thanks,

Mandy

**From:** Lewis, Josh  
**Sent:** Friday, September 29, 2017 5:29 PM  
**To:** Gunasekara, Mandy <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>  
**Cc:** Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>  
**Subject:** Fwd: CPP Repeal - updated version

Attached is the revised CPP repeal preamble incorporating comments from OMB. Also attached is a redline/strikeout document highlighting the changes made.

Couple of things that staff want to highlight/note:

## Ex. 5 - Deliberative Process

**To:** Weatherhead, Darryl[Weatherhead.Darryl@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Fri 10/13/2017 8:45:51 PM  
**Subject:** Is this consistent with what we just talked about?

**From:** Weatherhead, Darryl  
**Sent:** Friday, October 13, 2017 4:16 PM  
**To:** Eck, Janet <Eck.Janet@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>  
**Cc:** Swanson, Nicholas <Swanson.Nicholas@epa.gov>; Dunkins, Robin <Dunkins.Robin@epa.gov>; Keaveny, Brian <Keaveny.Brian@epa.gov>; Macpherson, Alex <Macpherson.Alex@epa.gov>  
**Subject:** RE: OAR Reg Plan Entries

Hi Kevin and Janet,

What about this instead?

## Ex. 5 - Deliberative Process

**From:** Eck, Janet  
**Sent:** Friday, October 13, 2017 10:56 AM  
**To:** Culligan, Kevin <Culligan.Kevin@epa.gov>  
**Cc:** Swanson, Nicholas <Swanson.Nicholas@epa.gov>; Dunkins, Robin <Dunkins.Robin@epa.gov>; Keaveny, Brian <Keaveny.Brian@epa.gov>; Macpherson, Alex <Macpherson.Alex@epa.gov>; Weatherhead, Darryl <Weatherhead.Darryl@epa.gov>  
**Subject:** FW: OAR Reg Plan Entries

Hi Kevin, See the update from HEID below. This is what I plan to submit if you are ok w/the write-ups. Thanks.

**From:** Macpherson, Alex  
**Sent:** Friday, October 13, 2017 10:27 AM  
**To:** Eck, Janet <[Eck.Janet@epa.gov](mailto:Eck.Janet@epa.gov)>; Swanson, Nicholas <[Swanson.Nicholas@epa.gov](mailto:Swanson.Nicholas@epa.gov)>; Keaveny, Brian <[Keaveny.Brian@epa.gov](mailto:Keaveny.Brian@epa.gov)>  
**Cc:** Dunkins, Robin <[Dunkins.Robin@epa.gov](mailto:Dunkins.Robin@epa.gov)>; Weatherhead, Darryl <[Weatherhead.Darryl@epa.gov](mailto:Weatherhead.Darryl@epa.gov)>  
**Subject:** RE: OAR Reg Plan Entries

Hi Janet and Nick

See revised text Ex. 5 - Deliberative Process Darryl has reviewed. Let me know if you have any questions, and thanks for asking us to have a look.  
Alex

## Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

**From:** Eck, Janet  
**Sent:** Friday, October 13, 2017 9:42 AM  
**To:** Macpherson, Alex <[Macpherson.Alex@epa.gov](mailto:Macpherson.Alex@epa.gov)>; Swanson, Nicholas <[Swanson.Nicholas@epa.gov](mailto:Swanson.Nicholas@epa.gov)>; Keaveny, Brian <[Keaveny.Brian@epa.gov](mailto:Keaveny.Brian@epa.gov)>  
**Cc:** Dunkins, Robin <[Dunkins.Robin@epa.gov](mailto:Dunkins.Robin@epa.gov)>; Weatherhead, Darryl <[Weatherhead.Darryl@epa.gov](mailto:Weatherhead.Darryl@epa.gov)>  
**Subject:** RE: OAR Reg Plan Entries



FYI, my deadline is noon today. Thanks.

**From:** Macpherson, Alex  
**Sent:** Friday, October 13, 2017 8:04 AM  
**To:** Swanson, Nicholas <[Swanson.Nicholas@epa.gov](mailto:Swanson.Nicholas@epa.gov)>; Eck, Janet <[Eck.Janet@epa.gov](mailto:Eck.Janet@epa.gov)>; Keaveny, Brian <[Keaveny.Brian@epa.gov](mailto:Keaveny.Brian@epa.gov)>  
**Cc:** Dunkins, Robin <[Dunkins.Robin@epa.gov](mailto:Dunkins.Robin@epa.gov)>; Weatherhead, Darryl <[Weatherhead.Darryl@epa.gov](mailto:Weatherhead.Darryl@epa.gov)>  
**Subject:** RE: OAR Reg Plan Entries

Hi all,

I will draft something up this morning and run past Darryl before sending back.

Alex

**From:** Swanson, Nicholas  
**Sent:** Friday, October 13, 2017 7:57 AM  
**To:** Eck, Janet <[Eck.Janet@epa.gov](mailto:Eck.Janet@epa.gov)>; Macpherson, Alex <[Macpherson.Alex@epa.gov](mailto:Macpherson.Alex@epa.gov)>; Keaveny, Brian <[Keaveny.Brian@epa.gov](mailto:Keaveny.Brian@epa.gov)>  
**Cc:** Dunkins, Robin <[Dunkins.Robin@epa.gov](mailto:Dunkins.Robin@epa.gov)>  
**Subject:** RE: OAR Reg Plan Entries

Also, adding Brian Keaveny (cutting Nick and Steve too). I really would appreciate your eyes on this. I can never make heads or tails of some of this stuff. Thank you both!

**From:** Eck, Janet  
**Sent:** Thursday, October 12, 2017 5:01 PM  
**To:** Macpherson, Alex <[Macpherson.Alex@epa.gov](mailto:Macpherson.Alex@epa.gov)>  
**Cc:** Swanson, Nicholas <[Swanson.Nicholas@epa.gov](mailto:Swanson.Nicholas@epa.gov)>; Dunkins, Robin <[Dunkins.Robin@epa.gov](mailto:Dunkins.Robin@epa.gov)>; Hutson, Nick <[Hutson.Nick@epa.gov](mailto:Hutson.Nick@epa.gov)>; Fruh, Steve <[Fruh.Steve@epa.gov](mailto:Fruh.Steve@epa.gov)>  
**Subject:** FW: OAR Reg Plan Entries

Hi Alex, Can you provide edits on Ex. 5 - Deliberative Process the CPP Repeal Reg Plan. See below.

Thanks.

**From:** Culligan, Kevin  
**Sent:** Thursday, October 12, 2017 4:33 PM  
**To:** Swanson, Nicholas <[Swanson.Nicholas@epa.gov](mailto:Swanson.Nicholas@epa.gov)>; Eck, Janet <[Eck.Janet@epa.gov](mailto:Eck.Janet@epa.gov)>; Dunkins, Robin <[Dunkins.Robin@epa.gov](mailto:Dunkins.Robin@epa.gov)>; Hutson, Nick <[Hutson.Nick@epa.gov](mailto:Hutson.Nick@epa.gov)>; Fruh, Steve <[Fruh.Steve@epa.gov](mailto:Fruh.Steve@epa.gov)>  
**Subject:** RE: OAR Reg Plan Entries

## Ex. 5 - Deliberative Process

**From:** Swanson, Nicholas  
**Sent:** Thursday, October 12, 2017 4:27 PM  
**To:** Eck, Janet <[Eck.Janet@epa.gov](mailto:Eck.Janet@epa.gov)>; Dunkins, Robin <[Dunkins.Robin@epa.gov](mailto:Dunkins.Robin@epa.gov)>; Hutson, Nick <[Hutson.Nick@epa.gov](mailto:Hutson.Nick@epa.gov)>; Fruh, Steve <[Fruh.Steve@epa.gov](mailto:Fruh.Steve@epa.gov)>; Culligan, Kevin <[Culligan.Kevin@epa.gov](mailto:Culligan.Kevin@epa.gov)>  
**Subject:** RE: OAR Reg Plan Entries

Below is my proposed response for the repeal of the CPP:

1. Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units, SAN 5548.7

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

**From:** Eck, Janet  
**Sent:** Wednesday, October 11, 2017 3:11 PM  
**To:** Swanson, Nicholas <[Swanson.Nicholas@epa.gov](mailto:Swanson.Nicholas@epa.gov)>; Dunkins, Robin <[Dunkins.Robin@epa.gov](mailto:Dunkins.Robin@epa.gov)>; Hutson, Nick <[Hutson.Nick@epa.gov](mailto:Hutson.Nick@epa.gov)>; Fruh, Steve <[Fruh.Steve@epa.gov](mailto:Fruh.Steve@epa.gov)>; Culligan, Kevin <[Culligan.Kevin@epa.gov](mailto:Culligan.Kevin@epa.gov)>  
**Subject:** FW: OAR Reg Plan Entries

OP is requesting Reg Plan entry edits for the CPP ANPRM and original text for the CPP Repeal. See email traffic below. The edits are due **by noon Friday, 10/13**. Please send me your updates for Tracker input. Thanks!

**From:** Iglesias, Amber  
**Sent:** Wednesday, October 11, 2017 2:36 PM  
**To:** Eck, Janet <[Eck.Janet@epa.gov](mailto:Eck.Janet@epa.gov)>  
**Cc:** Henigin, Mary <[Henigin.Mary@epa.gov](mailto:Henigin.Mary@epa.gov)>; Rush, Alan <[Rush.Alan@epa.gov](mailto:Rush.Alan@epa.gov)>  
**Subject:** OAR Reg Plan Entries  
**Importance:** High

Janet,

Please see the request from OP below:

Hello –

Please review and provide edits (or original text as the case may be for the repeal of CPP) to these Reg Plan entries. We'll need your edits by noon on Friday. If you can make them in Tracker, we'd appreciate it.

If you have any questions, please let us know.

Thanks,

Nicole

**OAR**

**1. Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources:  
Electric Utility Generating Units, SAN 5548.7**

# **Ex. 5 - Deliberative Process**

**2. State Guidelines for Greenhouse Gas Emissions from Existing Electric Utility  
Generating Units, SAN 6346**

**Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

**To:** Macpherson, Alex[Macpherson.Alex@epa.gov]; Keaveny, Brian[Keaveny.Brian@epa.gov];  
Steiner, Elyse[Steiner.Elyse@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Fri 9/15/2017 4:12:48 PM  
**Subject:** RE: interagency comments

Sounds good

**From:** Macpherson, Alex  
**Sent:** Friday, September 15, 2017 12:06 PM  
**To:** Culligan, Kevin <Culligan.Kevin@epa.gov>; Keaveny, Brian <Keaveny.Brian@epa.gov>;  
Steiner, Elyse <Steiner.Elyse@epa.gov>  
**Subject:** RE: interagency comments

## Ex. 5 - Deliberative Process

**From:** Culligan, Kevin  
**Sent:** Friday, September 15, 2017 11:25 AM  
**To:** Macpherson, Alex <Macpherson.Alex@epa.gov>; Keaveny, Brian  
<Keaveny.Brian@epa.gov>; Steiner, Elyse <Steiner.Elyse@epa.gov>  
**Subject:** RE: interagency comments

Verifying with OGC, but we are likely to go this way.

**From:** Macpherson, Alex  
**Sent:** Friday, September 15, 2017 9:19 AM  
**To:** Culligan, Kevin <Culligan.Kevin@epa.gov>; Keaveny, Brian <Keaveny.Brian@epa.gov>;  
Steiner, Elyse <Steiner.Elyse@epa.gov>  
**Subject:** RE: interagency comments

One more that appears in the RIA comments. Please advise:

## Ex. 5 - Deliberative Process

**From:** Culligan, Kevin  
**Sent:** Monday, September 11, 2017 11:07 AM  
**To:** Keaveny, Brian <[Keaveny.Brian@epa.gov](mailto:Keaveny.Brian@epa.gov)>; Steiner, Elyse <[Steiner.Elyse@epa.gov](mailto:Steiner.Elyse@epa.gov)>  
**Cc:** Macpherson, Alex <[Macpherson.Alex@epa.gov](mailto:Macpherson.Alex@epa.gov)>  
**Subject:** RE: interagency comments

Thanks Brian

**From:** Keaveny, Brian  
**Sent:** Monday, September 11, 2017 10:42 AM  
**To:** Culligan, Kevin <[Culligan.Kevin@epa.gov](mailto:Culligan.Kevin@epa.gov)>; Steiner, Elyse <[Steiner.Elyse@epa.gov](mailto:Steiner.Elyse@epa.gov)>  
**Cc:** Macpherson, Alex <[Macpherson.Alex@epa.gov](mailto:Macpherson.Alex@epa.gov)>  
**Subject:** interagency comments

Hi Kevin and Elyse,

As you know, in late July we received interagency comments on the draft RIA for the Review of the CPP. A few of these comments suggest specific edits to sentences that were not part of the draft RIA. This makes us think these comments may relate to draft preamble text that was submitted for interagency review.

Copied below are the interagency suggested edits in case they relate to the preamble and you haven't already seen them. The text in red is the suggested edit from interagency review.

# **Ex. 5 - Deliberative Process**

Please let me know if you have any questions.

- Brian

---

Brian Keaveny, Economist



Air Economics Group, HEID/OAQPS

U.S. EPA Office of Air and Radiation

MD C439-02, 109 TW Alexander Dr., RTP, NC 27711

Phone: 919-541-5238

**To:** Zenick, Elliott[Zenick.Elliott@epa.gov]  
**Cc:** Baptist, Erik[baptist.erik@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]  
**From:** Culligan, Kevin  
**Sent:** Wed 12/13/2017 7:58:00 PM  
**Subject:** RE: Have worked through language with Bill  
DRAFT ANPRM 12132017\_RLSO - 3 edits.DOCX

Elliott,

The attached does the following:

## **Ex. 5 - Deliberative Process**

Plan to send back to OMB by 4:00. Let me know if you have any concerns.

- Kevin

**From:** Culligan, Kevin  
**Sent:** Wednesday, December 13, 2017 2:29 PM  
**To:** Zenick, Elliott <Zenick.Elliott@epa.gov>  
**Cc:** Baptist, Erik <baptist.erik@epa.gov>  
**Subject:** Have worked through language with Bill

Making edits now and will send you shortly.

**To:** Lewis, Josh[Lewis.Josh@epa.gov]  
**Cc:** Dunham, Sarah[Dunham.Sarah@epa.gov]  
**From:** Gunasekara, Mandy  
**Sent:** Thur 9/21/2017 3:20:11 PM  
**Subject:** Re: CPP

Yes- 1:30 Works

Sent from my iPhone

On Sep 21, 2017, at 9:40 AM, Lewis, Josh <[Lewis.Josh@epa.gov](mailto:Lewis.Josh@epa.gov)> wrote:

Not sure what your AAPCA schedule is today, but any chance you're available at 1:30 for a call to touch base on CPP?

On Sep 20, 2017, at 5:34 PM, Gunasekara, Mandy <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)> wrote:

Attached is the a red line and clean copy of the CPP repeal that was sent to OMB last week. Please incorporate the relevant portions of this into the ANPRM. The ANPRM needs to be uploaded tomorrow. Let's plan to discuss this before uploading at some point tomorrow. Afternoon will be best as I'll be in North Carolina.

**Mandy M. Gunasekara**

Senior Policy Advisor for Office of Air and Radiation

Office of the Administrator

US Environmental Protection Agency

<CLEAN CPP Proposal.FR Notice.9.15.2017.docx>

<REDLINE CPP Proposal.FR Notice.9.15.2017.docx>

**To:** Lewis, Josh[Lewis.Josh@epa.gov]  
**Cc:** Dunham, Sarah[Dunham.Sarah@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Schwab, Justin[Schwab.Justin@epa.gov]  
**From:** Gunasekara, Mandy  
**Sent:** Mon 10/2/2017 2:43:50 PM  
**Subject:** RE: CPP Repeal - updated version  
EO12866 CPP Repeal 2060-AT55 Proposal RIA 20170927 Interagency Comment...docx

The Federalism section is good. TBD on the ANPRM, but that as highlighted to adjust is fine for now.

I'd like to follow up with the section of

**Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

Thanks,

Mandy

**From:** Lewis, Josh  
**Sent:** Friday, September 29, 2017 5:29 PM  
**To:** Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>  
**Cc:** Dunham, Sarah <Dunham.Sarah@epa.gov>  
**Subject:** Fwd: CPP Repeal - updated version

Attached is the revised CPP repeal preamble incorporating comments from OMB. Also attached is a redline/strikeout document highlighting the changes made.

Couple of things that staff want to highlight/note:

## **Ex. 5 - Deliberative Process**

**To:** Lewis, Josh[Lewis.Josh@epa.gov]; Dominguez, Alexander[dominguez.alexander@epa.gov]; Harlow, David[harlow.david@epa.gov]  
**Cc:** Dunham, Sarah[Dunham.Sarah@epa.gov]; Cyran, Carissa[Cyran.Carissa@epa.gov]; Millett, John[Millett.John@epa.gov]; DeLuca, Isabel[DeLuca.Isabel@epa.gov]  
**From:** Gunasekara, Mandy  
**Sent:** Mon 10/30/2017 9:37:30 PM  
**Subject:** RE: Latest draft of the Repeal of CPP (Public hearing and extension of the comment period notice)  
FR Notice Public Hearing CPP Repeal Final27Oct17.docx

Attached with one small edit. Disregard if it is not necessary. Otherwise this is good from my end.

**From:** Lewis, Josh  
**Sent:** Monday, October 30, 2017 9:34 AM  
**To:** Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Harlow, David <harlow.david@epa.gov>  
**Cc:** Dunham, Sarah <Dunham.Sarah@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>; Millett, John <Millett.John@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>  
**Subject:** Fwd: Latest draft of the Repeal of CPP (Public hearing and extension of the comment period notice)

Attached is the latest draft of the public hearing notice. John/Isabel will be flagging for 3rd floor comms, and we'll be moving this through the process for signature later this week.

Let us know if you have any comments/questions.

Josh

**To:** Treimel, Ellen[Treimel.Ellen@epa.gov]  
**Cc:** Cyran, Carissa[Cyran.Carissa@epa.gov]; Iglesias, Amber[Iglesias.Amber@epa.gov]; Lewis, Josh[Lewis.Josh@epa.gov]; Noonan, Jenny[Noonan.Jenny@epa.gov]; Henigin, Mary[Henigin.Mary@epa.gov]; Rush, Alan[Rush.Alan@epa.gov]; DeLuca, Isabel[DeLuca.Isabel@epa.gov]; Millett, John[Millett.John@epa.gov]; Eck, Janet[Eck.Janet@epa.gov]; Koerber, Mike[Koerber.Mike@epa.gov]; Dunham, Sarah[Dunham.Sarah@epa.gov]; Dominguez, Alexander[dominguez.alexander@epa.gov]  
**From:** Gunasekara, Mandy  
**Sent:** Thur 11/2/2017 1:10:17 PM  
**Subject:** Re: Revised FR notice for CPP repeal proposal hearing

Can you send around a PDF of the signed copy?

Sent from my iPhone

On Nov 1, 2017, at 5:28 PM, Treimel, Ellen <[Treimel.Ellen@epa.gov](mailto:Treimel.Ellen@epa.gov)> wrote:

I have talked with Amber, and the signed notice along with the CD will get dropped to the FR office tomorrow morning.

Thanks,

Ellen Treimel, Special Assistant

Office of the Administrator

U.S. Environmental Protection Agency

WJC-N 3310

202-564-0557 (w)

703-667-0553 (c)

**From:** Cyran, Carissa

**Sent:** Wednesday, November 01, 2017 5:22 PM

**To:** Iglesias, Amber <[Iglesias.Amber@epa.gov](mailto:Iglesias.Amber@epa.gov)>; Lewis, Josh <[Lewis.Josh@epa.gov](mailto:Lewis.Josh@epa.gov)>;

Noonan, Jenny <[Noonan.Jenny@epa.gov](mailto:Noonan.Jenny@epa.gov)>; Henigin, Mary <[Henigin.Mary@epa.gov](mailto:Henigin.Mary@epa.gov)>

**Cc:** Rush, Alan <[Rush.Alan@epa.gov](mailto:Rush.Alan@epa.gov)>; DeLuca, Isabel <[DeLuca.Isabel@epa.gov](mailto:DeLuca.Isabel@epa.gov)>;

Millett, John <[Millett.John@epa.gov](mailto:Millett.John@epa.gov)>; Eck, Janet <[Eck.Janet@epa.gov](mailto:Eck.Janet@epa.gov)>; Henigin, Mary

<[Henigin.Mary@epa.gov](mailto:Henigin.Mary@epa.gov)>; Koerber, Mike <[Koerber.Mike@epa.gov](mailto:Koerber.Mike@epa.gov)>; Dunham, Sarah

<[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>; Gunasekara, Mandy <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>;

Dominguez, Alexander <[dominguez.alexander@epa.gov](mailto:dominguez.alexander@epa.gov)>; Treimel, Ellen

<[Treimel.Ellen@epa.gov](mailto:Treimel.Ellen@epa.gov)>

**Subject:** RE: Revised FR notice for CPP repeal proposal hearing

The package with the revised notice is back with Ellen and CMS has been updated.

**From:** Iglesias, Amber

**Sent:** Wednesday, November 01, 2017 5:05 PM

**To:** Lewis, Josh <[Lewis.Josh@epa.gov](mailto:Lewis.Josh@epa.gov)>; Noonan, Jenny <[Noonan.Jenny@epa.gov](mailto:Noonan.Jenny@epa.gov)>;

Henigin, Mary <[Henigin.Mary@epa.gov](mailto:Henigin.Mary@epa.gov)>

**Cc:** Rush, Alan <[Rush.Alan@epa.gov](mailto:Rush.Alan@epa.gov)>; DeLuca, Isabel <[DeLuca.Isabel@epa.gov](mailto:DeLuca.Isabel@epa.gov)>;

Millett, John <[Millett.John@epa.gov](mailto:Millett.John@epa.gov)>; Eck, Janet <[Eck.Janet@epa.gov](mailto:Eck.Janet@epa.gov)>; Henigin, Mary

<[Henigin.Mary@epa.gov](mailto:Henigin.Mary@epa.gov)>; Koerber, Mike <[Koerber.Mike@epa.gov](mailto:Koerber.Mike@epa.gov)>; Dunham, Sarah

<[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>; Gunasekara, Mandy <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>;

Dominguez, Alexander <[dominguez.alexander@epa.gov](mailto:dominguez.alexander@epa.gov)>; Cyran, Carissa

<[Cyran.Carissa@epa.gov](mailto:Cyran.Carissa@epa.gov)>

**Subject:** RE: Revised FR notice for CPP repeal proposal hearing

Would you like me to print this out and bring it to you? I am still here.

**From:** Lewis, Josh

**Sent:** Wednesday, November 01, 2017 5:01 PM

**To:** Noonan, Jenny <[Noonan.Jenny@epa.gov](mailto:Noonan.Jenny@epa.gov)>; Henigin, Mary <[Henigin.Mary@epa.gov](mailto:Henigin.Mary@epa.gov)>

**Cc:** Iglesias, Amber <[Iglesias.Amber@epa.gov](mailto:Iglesias.Amber@epa.gov)>; Rush, Alan <[Rush.Alan@epa.gov](mailto:Rush.Alan@epa.gov)>;

DeLuca, Isabel <[DeLuca.Isabel@epa.gov](mailto:DeLuca.Isabel@epa.gov)>; Millett, John <[Millett.John@epa.gov](mailto:Millett.John@epa.gov)>; Eck,

Janet <[Eck.Janet@epa.gov](mailto:Eck.Janet@epa.gov)>; Henigin, Mary <[Henigin.Mary@epa.gov](mailto:Henigin.Mary@epa.gov)>; Koerber, Mike

<[Koerber.Mike@epa.gov](mailto:Koerber.Mike@epa.gov)>; Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>; Gunasekara,

Mandy <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>; Dominguez, Alexander

<[dominguez.alexander@epa.gov](mailto:dominguez.alexander@epa.gov)>; Cyran, Carissa <[Cyran.Carissa@epa.gov](mailto:Cyran.Carissa@epa.gov)>

**Subject:** RE: Revised FR notice for CPP repeal proposal hearing



Thanks Jenny. Adding Sarah, Mandy, and Alex so they know the latest too. I assume this revised version can get to OP tonight so signature by tomorrow morning is possible (assuming that's still the plan for the announcement timing).

Josh

**From:** Noonan, Jenny

**Sent:** Wednesday, November 01, 2017 4:56 PM

**To:** Henigin, Mary <[Henigin.Mary@epa.gov](mailto:Henigin.Mary@epa.gov)>; Lewis, Josh <[Lewis.Josh@epa.gov](mailto:Lewis.Josh@epa.gov)>

**Cc:** Iglesias, Amber <[Iglesias.Amber@epa.gov](mailto:Iglesias.Amber@epa.gov)>; Rush, Alan <[Rush.Alan@epa.gov](mailto:Rush.Alan@epa.gov)>; DeLuca, Isabel <[DeLuca.Isabel@epa.gov](mailto:DeLuca.Isabel@epa.gov)>; Millett, John <[Millett.John@epa.gov](mailto:Millett.John@epa.gov)>; Eck, Janet <[Eck.Janet@epa.gov](mailto:Eck.Janet@epa.gov)>; Henigin, Mary <[Henigin.Mary@epa.gov](mailto:Henigin.Mary@epa.gov)>; Koerber, Mike <[Koerber.Mike@epa.gov](mailto:Koerber.Mike@epa.gov)>

**Subject:** Revised FR notice for CPP repeal proposal hearing

Hi—

The attached redline-strikeout version of the FR notice for the public hearing for the CPP proposed repeal in Charleston reflects new information indicating that we are unlikely to be able to stay late into the evening due to various constraints at the Capitol Complex. And, depending on the number of people requesting speaking times, we may need to set up an EPA panel or two in adjacent buildings in the WV Capitol Complex (e.g. in the House legislative chamber AND a room at the nearby WV Culture Center.) Region 3 is working closely with the security on the ground to handle any logistical challenges.

With these changes, I am comfortable announcing that the hearing will be in Charleston, WV on 11/28 and 11/29 at the WV Capitol Complex (this phrasing should give us some flexibility to adjust the room information depending on the turnout.)

Thanks,

Jenny

**To:** Millett, John[Millett.John@epa.gov]  
**Cc:** Grantham, Nancy[Grantham.Nancy@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; DeLuca, Isabel[DeLuca.Isabel@epa.gov]; Konkus, John[konkus.john@epa.gov]; Dunham, Sarah[Dunham.Sarah@epa.gov]; Lewis, Josh[Lewis.Josh@epa.gov]; Dominguez, Alexander[dominguez.alexander@epa.gov]; Harlow, David[harlow.david@epa.gov]; Cortelyou-Lee, Jan[Cortelyou-Lee.Jan@epa.gov]  
**From:** Gunasekara, Mandy  
**Sent:** Thur 11/2/2017 2:52:20 PM  
**Subject:** Re: CPP ANPRM and Hearing Comms Drafts

\*Suggested edits- Liz run through your team. Let's get this out asap.

Apologies- I thought this was ready to go.

Sent from my iPhone

On Nov 2, 2017, at 10:50 AM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

Edits below

Sent from my iPhone

On Nov 2, 2017, at 10:42 AM, Millett, John <Millett.John@epa.gov> wrote:

**Here is the latest in text below — with proposed quote.**

**EPA Announces Public Hearing on Proposed Repeal of Clean Power Plan**

**Hearing will be held November 28-29 in Charleston, WV**

[DATE]

Contact Information:

([press@epa.gov](mailto:press@epa.gov))

## Ex. 5 - Deliberative Process

## **Ex. 5 - Deliberative Process**

Sent from my iPhone

On Nov 2, 2017, at 10:37 AM, Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)> wrote:

Yes .. just waiting for an approved adm quote is my understanding thanks ng

**Nancy Grantham**

**Office of Public Affairs**

**US Environmental Protection Agency**

**202-564-6879 (desk)**

**202-253-7056 (mobile)**

**From:** Bowman, Liz

**Sent:** Thursday, November 02, 2017 10:31 AM

**To:** Millett, John <[Millett.John@epa.gov](mailto:Millett.John@epa.gov)>; Gunasekara, Mandy  
<[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>

**Cc:** DeLuca, Isabel <[DeLuca.Isabel@epa.gov](mailto:DeLuca.Isabel@epa.gov)>; Grantham, Nancy  
<[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Konkus, John <[konkus.john@epa.gov](mailto:konkus.john@epa.gov)>; Dunham,  
Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>; Lewis, Josh <[Lewis.Josh@epa.gov](mailto:Lewis.Josh@epa.gov)>;  
Dominguez, Alexander <[dominguez.alexander@epa.gov](mailto:dominguez.alexander@epa.gov)>; Harlow, David  
<[harlow.david@epa.gov](mailto:harlow.david@epa.gov)>; Cortelyou-Lee, Jan <[Cortelyou-Lee.Jan@epa.gov](mailto:Cortelyou-Lee.Jan@epa.gov)>

**Subject:** RE: CPP ANPRM and Hearing Comms Drafts

Great, we are also doing a press release, correct? That was my understanding.

**From:** Millett, John

**Sent:** Thursday, November 2, 2017 10:02 AM

**To:** Gunasekara, Mandy <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>; Bowman, Liz  
<[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>

**Cc:** DeLuca, Isabel <[DeLuca.Isabel@epa.gov](mailto:DeLuca.Isabel@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Konkus, John <[konkus.john@epa.gov](mailto:konkus.john@epa.gov)>; Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>; Lewis, Josh <[Lewis.Josh@epa.gov](mailto:Lewis.Josh@epa.gov)>; Dominguez, Alexander <[dominguez.alexander@epa.gov](mailto:dominguez.alexander@epa.gov)>; Harlow, David <[harlow.david@epa.gov](mailto:harlow.david@epa.gov)>; Cortelyou-Lee, Jan <[Cortelyou-Lee.Jan@epa.gov](mailto:Cortelyou-Lee.Jan@epa.gov)>  
**Subject:** RE: CPP ANPRM and Hearing Comms Drafts

Thanks – the web pages with signed hearing notice are loaded and ready to post whenever we get the go-ahead.

+ Jan

**From:** Gunasekara, Mandy  
**Sent:** Thursday, November 02, 2017 9:16 AM  
**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>  
**Cc:** Millett, John <[Millett.John@epa.gov](mailto:Millett.John@epa.gov)>; DeLuca, Isabel <[DeLuca.Isabel@epa.gov](mailto:DeLuca.Isabel@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Konkus, John <[konkus.john@epa.gov](mailto:konkus.john@epa.gov)>; Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>; Lewis, Josh <[Lewis.Josh@epa.gov](mailto:Lewis.Josh@epa.gov)>; Dominguez, Alexander <[dominguez.alexander@epa.gov](mailto:dominguez.alexander@epa.gov)>; Harlow, David <[harlow.david@epa.gov](mailto:harlow.david@epa.gov)>  
**Subject:** Re: CPP ANPRM and Hearing Comms Drafts

Yes, only the meeting/hearing

Sent from my iPhone

On Nov 2, 2017, at 9:15 AM, Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)> wrote:

You are talking about the meeting announcement, right?

Sent from my iPhone

On Nov 2, 2017, at 8:46 AM, Millett, John <[Millett.John@epa.gov](mailto:Millett.John@epa.gov)> wrote:

Thanks – we're standing by for confirmation of signature and the go-ahead to go live with the web.

**From:** Gunasekara, Mandy  
**Sent:** Wednesday, November 01, 2017 5:56 PM  
**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; DeLuca, Isabel <[DeLuca.Isabel@epa.gov](mailto: DeLuca.Isabel@epa.gov)>; Millett, John <[Millett.John@epa.gov](mailto: Millett.John@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto: Grantham.Nancy@epa.gov)>; Konkus, John <[konkus.john@epa.gov](mailto: konkus.john@epa.gov)>  
**Cc:** Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto: Dunham.Sarah@epa.gov)>; Lewis, Josh <[Lewis.Josh@epa.gov](mailto: Lewis.Josh@epa.gov)>; Dominguez, Alexander <[dominguez.alexander@epa.gov](mailto: dominguez.alexander@epa.gov)>; Harlow, David <[harlow.david@epa.gov](mailto: harlow.david@epa.gov)>  
**Subject:** RE: CPP ANPRM and Hearing Comms Drafts

We need a quote. I'll work on something tonight.

**From:** Bowman, Liz  
**Sent:** Wednesday, November 1, 2017 5:53 PM  
**To:** DeLuca, Isabel <[DeLuca.Isabel@epa.gov](mailto: DeLuca.Isabel@epa.gov)>; Millett, John <[Millett.John@epa.gov](mailto: Millett.John@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto: Grantham.Nancy@epa.gov)>; Konkus, John <[konkus.john@epa.gov](mailto: konkus.john@epa.gov)>; Gunasekara, Mandy <[Gunasekara.Mandy@epa.gov](mailto: Gunasekara.Mandy@epa.gov)>  
**Cc:** Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto: Dunham.Sarah@epa.gov)>; Lewis, Josh <[Lewis.Josh@epa.gov](mailto: Lewis.Josh@epa.gov)>; Dominguez, Alexander <[dominguez.alexander@epa.gov](mailto: dominguez.alexander@epa.gov)>; Harlow, David <[harlow.david@epa.gov](mailto: harlow.david@epa.gov)>  
**Subject:** RE: CPP ANPRM and Hearing Comms Drafts

Thank you – we may just want to leave this without a quote and let the ANPRM speak for itself – Mandy?

**From:** DeLuca, Isabel  
**Sent:** Wednesday, November 1, 2017 5:29 PM  
**To:** Millett, John <[Millett.John@epa.gov](mailto: Millett.John@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto: Grantham.Nancy@epa.gov)>; Konkus, John <[konkus.john@epa.gov](mailto: konkus.john@epa.gov)>; Gunasekara, Mandy <[Gunasekara.Mandy@epa.gov](mailto: Gunasekara.Mandy@epa.gov)>  
**Cc:** Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto: Dunham.Sarah@epa.gov)>; Lewis, Josh

<[Lewis.Josh@epa.gov](mailto:Lewis.Josh@epa.gov)>; Dominguez, Alexander  
<[dominguez.alexander@epa.gov](mailto:dominguez.alexander@epa.gov)>; Harlow, David  
<[harlow.david@epa.gov](mailto:harlow.david@epa.gov)>  
**Subject:** RE: CPP ANPRM and Hearing Comms Drafts

Here's a revised draft press release with updates to match the latest updates to the FR notice, plus a draft quote to work from.

**From:** Millett, John  
**Sent:** Monday, October 30, 2017 5:06 PM  
**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Konkus, John <[konkus.john@epa.gov](mailto:konkus.john@epa.gov)>; Gunasekara, Mandy <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>  
**Cc:** Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>; DeLuca, Isabel <[DeLuca.Isabel@epa.gov](mailto:DeLuca.Isabel@epa.gov)>; Lewis, Josh <[Lewis.Josh@epa.gov](mailto:Lewis.Josh@epa.gov)>; Dominguez, Alexander <[dominguez.alexander@epa.gov](mailto:dominguez.alexander@epa.gov)>; Harlow, David <[harlow.david@epa.gov](mailto:harlow.david@epa.gov)>  
**Subject:** RE: CPP ANPRM and Hearing Comms Drafts

Yes – we'll draft one, no problem.

**From:** Bowman, Liz  
**Sent:** Monday, October 30, 2017 5:06 PM  
**To:** Millett, John <[Millett.John@epa.gov](mailto:Millett.John@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Konkus, John <[konkus.john@epa.gov](mailto:konkus.john@epa.gov)>; Gunasekara, Mandy <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>  
**Cc:** Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>; DeLuca, Isabel <[DeLuca.Isabel@epa.gov](mailto:DeLuca.Isabel@epa.gov)>; Lewis, Josh <[Lewis.Josh@epa.gov](mailto:Lewis.Josh@epa.gov)>; Dominguez, Alexander <[dominguez.alexander@epa.gov](mailto:dominguez.alexander@epa.gov)>; Harlow, David <[harlow.david@epa.gov](mailto:harlow.david@epa.gov)>  
**Subject:** RE: CPP ANPRM and Hearing Comms Drafts

Can we do a press release on the hearing? I didn't see one in the comms materials...



**From:** Millett, John  
**Sent:** Monday, October 30, 2017 4:52 PM  
**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto: Grantham.Nancy@epa.gov)>; Konkus, John <[konkus.john@epa.gov](mailto: konkus.john@epa.gov)>; Gunasekara, Mandy <[Gunasekara.Mandy@epa.gov](mailto: Gunasekara.Mandy@epa.gov)>  
**Cc:** Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto: Dunham.Sarah@epa.gov)>; DeLuca, Isabel <[DeLuca.Isabel@epa.gov](mailto: DeLuca.Isabel@epa.gov)>; Lewis, Josh <[Lewis.Josh@epa.gov](mailto: Lewis.Josh@epa.gov)>; Dominguez, Alexander <[dominguez.alexander@epa.gov](mailto: dominguez.alexander@epa.gov)>; Harlow, David <[harlow.david@epa.gov](mailto: harlow.david@epa.gov)>  
**Subject:** RE: CPP ANPRM and Hearing Comms Drafts

Sounds good, thanks, and yes, that should work fine for posting hearing info.

**From:** Bowman, Liz  
**Sent:** Monday, October 30, 2017 4:49 PM  
**To:** Millett, John <[Millett.John@epa.gov](mailto: Millett.John@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto: Grantham.Nancy@epa.gov)>; Konkus, John <[konkus.john@epa.gov](mailto: konkus.john@epa.gov)>; Gunasekara, Mandy <[Gunasekara.Mandy@epa.gov](mailto: Gunasekara.Mandy@epa.gov)>  
**Cc:** Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto: Dunham.Sarah@epa.gov)>; DeLuca, Isabel <[DeLuca.Isabel@epa.gov](mailto: DeLuca.Isabel@epa.gov)>; Lewis, Josh <[Lewis.Josh@epa.gov](mailto: Lewis.Josh@epa.gov)>; Dominguez, Alexander <[dominguez.alexander@epa.gov](mailto: dominguez.alexander@epa.gov)>; Harlow, David <[harlow.david@epa.gov](mailto: harlow.david@epa.gov)>  
**Subject:** RE: CPP ANPRM and Hearing Comms Drafts

Thanks, John. I think we are holding on the ANPR until a later date, and the Hearing announcement should go on Thursday morning around 9 am – does that work for you all?

**From:** Millett, John  
**Sent:** Monday, October 30, 2017 12:11 PM  
**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto: Grantham.Nancy@epa.gov)>; Konkus, John <[konkus.john@epa.gov](mailto: konkus.john@epa.gov)>; Gunasekara, Mandy <[Gunasekara.Mandy@epa.gov](mailto: Gunasekara.Mandy@epa.gov)>  
**Cc:** Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto: Dunham.Sarah@epa.gov)>; DeLuca, Isabel <[DeLuca.Isabel@epa.gov](mailto: DeLuca.Isabel@epa.gov)>; Lewis, Josh <[Lewis.Josh@epa.gov](mailto: Lewis.Josh@epa.gov)>; Dominguez, Alexander <[dominguez.alexander@epa.gov](mailto: dominguez.alexander@epa.gov)>; Harlow,

David <[harlow.david@epa.gov](mailto:harlow.david@epa.gov)>

**Subject:** CPP ANPRM and Hearing Comms Drafts

Hi All – Attached are the communications drafts for two upcoming actions --

Possible actions and timing:

Tuesday, 10/31 – CPP Advance Notice of Proposed Rulemaking – a very preliminary step in potentially replacing the Clean Power Plan – issued for public comment. **Draft comms plan and fact sheet**

Wednesday or Thursday, 11/1-2 – CPP Repeal Hearing – announcement of the date and location of the public comment hearing on the proposed repeal of the CPP. **Draft comms plan attached**

Isabel and I are happy to field any comments, edits or questions.

Thanks –

John

~~~~~  
John Millett

Director, OAR Communications

Desk: 202-564-2903

Cell: 202-510-1822

**To:** Tsirigotis, Peter[Tsirigotis.Peter@epa.gov]  
**From:** Dunham, Sarah  
**Sent:** Fri 10/6/2017 3:24:22 PM  
**Subject:** FW: EPA's climate rule withdrawal will include big changes to cost calculations  
[~WRD000.jpg](#)

**From:** POLITICO Pro Energy [mailto:politicoemail@politicopro.com]  
**Sent:** Thursday, October 05, 2017 8:16 PM  
**To:** Dunham, Sarah <Dunham.Sarah@epa.gov>  
**Subject:** EPA's climate rule withdrawal will include big changes to cost calculations

### **EPA's climate rule withdrawal will include big changes to cost calculations**

By Emily Holden

10/05/2017 08:12 PM EDT

The Trump administration will consider fundamentally limiting the way the federal government counts benefits from curbing climate change and air pollution in an upcoming proposal to rescind former President Barack Obama's signature climate regulation, according to multiple sources familiar with recent drafts.

In nixing the Clean Power Plan, EPA will suggest changing the benefits it counts, which would bolster its arguments that the rule's economic burdens would outweigh its gains from cleaner air, reduced illnesses and greater energy efficiency.

President Donald Trump has long vowed to erase Obama's restrictions on coal plants, and then announced he was pulling out of the Paris climate accord, so it's no surprise he plans to eliminate the rule. But the fine print will have big implications for the inevitable yearslong legal fights to come. It could anger environmental advocates while satisfying some industries and conservative states.

"It may seem like inside baseball, but this is going to set the tone," said John Larsen, a director at the analysis firm Rhodium Group. "We haven't seen the details of any sort of regulatory plan from this administration yet on climate."

EPA could release its withdrawal proposal in the coming days, while leaving the door open to eventually replace the rule with one that would pose minimal costs but provide few climate benefits, as POLITICO [reported](#) last month.

Among other changes, Trump's EPA will drastically alter how it uses the social cost of carbon, a

metric for assigning a monetary value to curbing emissions. The agency will decline to consider any social or economic benefits the rule creates outside the United States — unlike the Obama administration, which included worldwide impacts in its calculations.

And it will count far fewer of the health benefits that might have come from reducing air pollutants that cause premature deaths, heart attacks and asthma hospitalizations.

Taken together, the sources say, the recalculations eliminate tens of billions of dollars of the rule's benefits, which Obama's EPA had contended would outweigh the costs of enforcing a faster shift away from coal-fired power. The new numbers could be meant to aid EPA Administrator Scott Pruitt's legal case for scrapping the rule.

The rule's supporters are already accusing Trump and Pruitt of promoting fake math. They say the administration is ignoring the reality that power companies are making the transition to green energy even faster than Obama anticipated.

"Like so many things, they seem to be completely ignoring what's happening in the real world," Janet McCabe, who led EPA's air office under Obama, said of Trump's team. "Every other story is about how costs are coming down, about how emissions are reducing, about how power companies are making choices to close their coal plants or run them less because they're so expensive."

David Doniger, climate director for the Natural Resources Defense Council, said that "the courts are going to look very, very hard at this kind of cooking of the books."

"There are two kinds of ways to get the law wrong, to play fast and loose with science and facts or with the economics, and you can lose for either or both reasons," he said.

But EPA spokeswoman Liz Bowman said that if anyone's numbers were questionable, it was Obama's.

"While it appears you are writing a piece based on rumors about CPP, the facts are that the Obama administration's estimates and analysis of costs and benefits was, in multiple areas, highly uncertain and/or controversial," she said in an email Thursday night.

The businesses and states that opposed Obama's regulation say it's about time EPA reconsidered the costs. For example, it's reasonable to count only the rule's U.S. benefits since Americans would be paying the costs, said Jeff Holmstead, an industry lawyer who was EPA's air administrator under former President George W. Bush.

The math surrounding the rule has long been a political lightning rod.

The Obama-era EPA said the rule would be a net gain for society because shifting to cleaner energy sources would slow climate change and reduce pollution-related illnesses, among other benefits. In contrast, studies financed by conservative groups estimated that the regulation would cost the economy hundreds of billions of dollars during the same time frame.

The rule sought to cut the U.S. power industry's carbon pollution 32 percent by 2030, compared with 2005 levels — and as of two years ago, the country was more than halfway there. The regulation was the centerpiece of Obama's pledge that the U.S. would fulfill its part of the 2015 Paris climate agreement.

Trump has since announced he's pulling the United States out of Paris, unless he can "negotiate" a more favorable deal, and he's ordered EPA to undo a host of Obama-era regulations, chief among them the Clean Power Plan.

He has also directed his agencies to recalculate Obama's math on the social and economic impacts of climate change.

In a March executive order, Trump disbanded an interagency team that had been working on revising the social cost of carbon.

He also told his agencies to revert to White House guidance from 2003, which directed regulators performing cost-benefit analyses to "focus on benefits and costs that accrue to citizens and residents of the United States." Any look at international implications should go into a separate report, the George W. Bush-era guidance said.

That "America First" approach to regulation is a big departure from Obama's methods, which considered the worldwide effects of reducing U.S. carbon pollution, but it will help Trump's EPA justify repealing the rule.

In the Clean Power Plan, the Obama administration had estimated that each metric ton of carbon dioxide imposes about \$40 of costs on society. That means the plan would yield about \$30 billion in global climate benefits by 2030 — but only \$2 billion to \$7 billion in domestic gains, less than the rule's estimated cost, according to the think tank Brookings.

Experts who support the international strategy say going back is misguided. Michael Greenstone, the chief economist for Obama's Council of Economic Advisers in 2009 and 2010, told lawmakers in March that using a social cost of carbon that incorporates only U.S. benefits is "essentially asking the rest of the world to ramp up their emissions."

Noah Kaufman, an economist for World Resources Institute's climate program, said that "because climate change is a global problem, it requires a global solution."

"If countries try to solve it only for themselves, not taking into account how U.S. emissions affect the global community, and the global community doesn't consider how it affects us ... you're just never going to solve the problem," Kaufman said.

EPA will also refuse to count many of the health benefits that the Obama administration estimated would arise as side effects of reducing carbon emissions, the sources said. Specifically, Obama's regulators accounted for the fact that levels of sulfur dioxide, nitrogen dioxide and particulate matter — pollutants already regulated by other EPA rules — would decline along

with the greenhouse gases.

In contrast, Trump's EPA won't count those ancillary reductions if the pollutants were already below levels that the agency has deemed safe in other standards.

Environmental advocates say that logic is wrong, because further curbing those pollutants means people will be even healthier. But Holmstead said that while it's legitimate for EPA to look at the other pollutant reductions the rule might achieve, the agency shouldn't count them to offset costs.

The changes to the cost-benefit analysis will come in a regulatory impact analysis that aims to highlight a wide range of cost estimates for the rule. The analysis will accompany EPA's proposed rule for rescinding the Clean Power Plan and its advanced notice of proposed rulemaking on options to replace the regulation.

Obama's critics estimate the rule would force consumers to pay \$200 billion more by 2030 and saddle electricity customers with double-digit price hikes in many states, according to a [study](#) contracted by the conservative American Energy Alliance's Institute for Energy Research.

The Obama-era EPA and many academic institutions and think tanks have argued that the rule would cost far less, between \$5 billion and \$8 billion in 2030 by the agency's previous calculations. Plus, they have said, the social benefits of reducing carbon levels, slowing climate change and ratcheting down illness-causing air pollution would far offset the costs, achieving \$26 billion to \$45 billion in net benefits by 2030.

Advocates say costs are already proving to be even lower than expected as power companies move away from coal on their own.

The Institute for Policy Integrity at New York University School of Law this week released a [paper](#) compiling multiple studies that have found that Clean Power Plan compliance costs have fallen dramatically since the rule came out in 2015. That included an analysis from the American Petroleum Institute that estimated lower costs than EPA's original expectations.

"The takeaway from this should be, if we're going to do anything with the Clean Power Plan right now, given these trends we should be strengthening the goals," said Jack Lienke, an author of that paper and regulatory policy director for the institute. "Emissions can be reduced much more cheaply. That's a reason to set more aggressive targets, not to weaken targets or repeal them altogether."

*To view online:*

<https://www.politicopro.com/energy/story/2017/10/epas-climate-rule-withdrawal-will-include-big-changes-to-cost-calculations-163069>

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Arlington, VA, 22209, USA

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**To:** Tsirigotis, Peter[Tsirigotis.Peter@epa.gov]  
**From:** Dunham, Sarah  
**Sent:** Fri 10/6/2017 3:23:20 PM  
**Subject:** FW: Draft: EPA to repeal Clean Power Plan, consider replacement

**From:** POLITICO Pro Energy Whiteboard [mailto:politicoemail@politicopro.com]  
**Sent:** Friday, October 06, 2017 11:06 AM  
**To:** Dunham, Sarah <Dunham.Sarah@epa.gov>  
**Subject:** Draft: EPA to repeal Clean Power Plan, consider replacement

By Emily Holden

10/06/2017 11:00 AM EDT

The Trump administration plans to withdraw former President Barack Obama's signature climate rule in the coming days, arguing that EPA overstepped its legal authority in calling for a shift away from coal power, according to a draft of the proposal obtained by POLITICO.

EPA has not determined whether it will replace the rule nor "if it will do so, when it will do so and what form that rule will take," according to the [withdrawal text](#) prepared for the Federal Register. The agency will solicit feedback in a separate advanced notice of proposed rulemaking.

The withdrawal discounts benefits that Obama's EPA claimed, counting only the domestic impacts of slowing climate change, and will not count certain health benefits from reducing air pollutants other than carbon dioxide, as POLITICO [reported](#) Thursday night.

Repealing the Clean Power Plan will fulfill a campaign promise from President Donald Trump, who has called human-caused climate change a "hoax," and EPA is likely to face years of court fights with environmentalists and Democratic-run states over the rule.

**WHAT'S NEXT:** The proposal is expected to be formally released in the coming days.

*To view online:*

<https://www.politicopro.com/energy/whiteboard/2017/10/draft-epa-to-repeal-clean-power-plan-consider-replacement-094026>

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Arlington, VA, 22209, USA

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**To:** Lewis, Josh[Lewis.Josh@epa.gov]; Page, Steve[Page.Steve@epa.gov]  
**From:** Dunham, Sarah  
**Sent:** Fri 10/6/2017 3:14:27 PM  
**Subject:** FW: Draft: EPA to repeal Clean Power Plan, consider replacement

**From:** POLITICO Pro Energy Whiteboard [mailto:politicoemail@politicopro.com]  
**Sent:** Friday, October 06, 2017 11:06 AM  
**To:** Dunham, Sarah <Dunham.Sarah@epa.gov>  
**Subject:** Draft: EPA to repeal Clean Power Plan, consider replacement

By Emily Holden

10/06/2017 11:00 AM EDT

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Repealing the Clean Power Plan will fulfill a campaign promise from President Donald Trump, who has called human-caused climate change a "hoax," and EPA is likely to face years of court fights with environmentalists and Democratic-run states over the rule.

**WHAT'S NEXT:** The proposal is expected to be formally released in the coming days.

*To view online:*

<https://www.politicopro.com/energy/whiteboard/2017/10/draft-epa-to-repeal-clean-power-plan-consider-replacement-094026>

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| Yes, very                                                          | Somewhat              | Neutral               | Not really            | Not at all            |

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**To:** Tsirigotis, Peter[Tsirigotis.Peter@epa.gov]  
**Cc:** Page, Steve[Page.Steve@epa.gov]; Koerber, Mike[Koerber.Mike@epa.gov]; Lewis, Josh[Lewis.Josh@epa.gov]  
**From:** Dunham, Sarah  
**Sent:** Wed 9/20/2017 10:26:59 PM  
**Subject:** Re: CPP

Ok with me, thanks

Sent from my iPhone

On Sep 20, 2017, at 5:50 PM, Tsirigotis, Peter <Tsirigotis.Peter@epa.gov> wrote:

## Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

On Sep 20, 2017, at 5:40 PM, Dunham, Sarah <Dunham.Sarah@epa.gov> wrote:

I left a voice mail earlier for Mandy. Maybe this is the response to that voicemail?

Begin forwarded message:

**From:** "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>  
**Date:** September 20, 2017 at 5:34:34 PM EDT  
**To:** "Dunham, Sarah" <Dunham.Sarah@epa.gov>  
**Cc:** "Lewis, Josh" <Lewis.Josh@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>, "Dravis, Samantha" <dravis.samantha@epa.gov>, "Schwab, Justin" <Schwab.Justin@epa.gov>  
**Subject:** CPP

Attached is the a red line and clean copy of the CPP repeal that was sent to OMB last week. Please incorporate the relevant portions of this into the ANPRM. The ANPRM needs to be uploaded tomorrow. Let's plan to discuss this before

uploading at some point tomorrow. Afternoon will be best as I'll be in North Carolina.

**Mandy M. Gunasekara**

Senior Policy Advisor for Office of Air and Radiation

Office of the Administrator

US Environmental Protection Agency

<CLEAN CPP Proposal.FR Notice.9.15.2017.docx>

<REDLINE CPP Proposal.FR Notice.9.15.2017.docx>

**To:** Tsirigotis, Peter[Tsirigotis.Peter@epa.gov]  
**From:** Dunham, Sarah  
**Sent:** Fri 1/5/2018 7:01:23 PM  
**Subject:** FW: Sources: EPA moving quickly to write new climate rule in 2018  
[~WRD000.jpg](#)

fyi

**From:** POLITICO Pro Energy [mailto:politicoemail@politicopro.com]  
**Sent:** Friday, January 05, 2018 1:58 PM  
**To:** Dunham, Sarah <Dunham.Sarah@epa.gov>  
**Subject:** Sources: EPA moving quickly to write new climate rule in 2018

### **Sources: EPA moving quickly to write new climate rule in 2018**

By Emily Holden

01/05/2018 01:56 PM EDT

EPA staffers are under orders from the Trump administration to complete a replacement for former President Barack Obama's major climate change rule by the end of the year, far faster than the normal pace the agency uses to develop major regulations, according to three sources familiar with the process.

That short timeframe would enable EPA lawyers the chance to defend the regulation from the legal challenges it is certain to face during President Donald Trump's current term. That would allow the proposal from Scott Pruitt's EPA to avoid the fate of the Obama EPA's Clean Power Plan, which was held up in court and is now being rescinded by a new administration that opposed the original carbon dioxide regulation.

EPA's air chief, Bill Wehrum, has directed staffers to develop a schedule for conducting analysis, public hearings and revisions that would be completed in 2018. Staff would need to complete a proposal by summer and allow time for the White House to review it before publication.

The tight timeline would mean that the agency would have to repeal and replace the Obama power-sector climate rule simultaneously but in separate processes. EPA would also have to finish revising a separate carbon rule for future fossil fuel plants, which must be in place in order to regulate existing generators.

Jeff Holmstead, a partner at the law firm Bracewell who ran EPA's air office under former President George W. Bush, called the timeframe "ambitious but not impossible." The quick

process is certain to draw scrutiny from environmental advocates who are gearing up for lawsuits against the changes.

Pruitt in recent weeks stopped suggesting that the agency might choose not replace the Clean Power Plan. Pruitt, who has questioned man-made emissions' role in climate change, has been lobbied by some conservative groups such as The Heartland Institute and Competitive Enterprise Institute to forego a replacement and instead challenge the science-based endangerment finding that requires EPA to act to limit globe-warming emissions from power plants. Power companies, however, have pressed Pruitt to develop a replacement in order to give them some regulatory certainty and potentially head off any move by a future administration to write tougher standards.

The effort to create a replacement rule signals that EPA is siding with the industry stakeholders who want a rule written under this administration. But Pruitt could still conduct the "red team-blue team" debate over climate change science that he has promised to examine the scientific conclusions that humans are a dominant cause of climate change. That process could happen outside the regulatory and legal world, but it could be the foundation for a challenge to the endangerment finding. EPA would have a hard time fighting the finding after writing the rule precipitated by it, according to multiple conservative lawyers.

EPA's new rule is set to focus on coal plants alone, according to sources and options outlined in a recent notice. The Obama EPA's Clean Power Plan had set targets for states to shift away from coal and toward natural gas and renewable power, a strategy that Pruitt, as Oklahoma attorney general, joined other Republican states to argue was illegal.

Obama's rule aimed to cut carbon levels 32 percent below 2005 levels by 2030. Trump's rule, which is likely to consider only efficiency upgrades that coal plants could make, would curb emissions far less. Some power sector experts have speculated that electricity generators might run their coal plants more if they were forced operate more efficiently and become more competitive in the power markets. That could in turn lead to higher emissions.

Wehrum told E&E News earlier this week that EPA was still considering not writing a replacement rule. But several sources told POLITICO that Wehrum has been working rapidly since joining EPA in mid-November to sketch out a plan for crafting a new rule.

The agency has issued a proposal to withdraw the Clean Power Plan and an advance notice of proposed rulemaking to replace the regulation. Comments on the withdrawal are due Jan. 16, but EPA is set to push back that deadline while it hosts three more public hearings that have not yet been scheduled. Comments on the ANPR are due Feb. 26.

Under a new version of the rule, EPA will have to determine whether to set a common efficiency standard for the coal fleet or write guidance for states to set their own standards for individual plants based on age and technology. Letting states set standards would align with Pruitt's push to give states more autonomy, but each individual plan would be subject to lawsuits at the state level and could linger in the judicial system for years.

EPA did not respond to a request for comment.



To view online:

<https://www.politicopro.com/energy/article/2018/01/sources-epa-moving-quickly-to-write-new-climate-rule-in-2018-266788>

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Arlington, VA, 22209, USA

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**To:** Lewis, Josh[Lewis.Josh@epa.gov]  
**From:** Dunham, Sarah  
**Sent:** Fri 9/29/2017 9:21:12 PM  
**Subject:** Re: CPP Repeal - updated version

I'm ok with concurrent review if you want to send to Mandy now. (But it could also wait til Monday probably-- although since we have no idea what and when they expect anything always a risk to wait)

Sent from my iPhone

On Sep 29, 2017, at 5:18 PM, Lewis, Josh <[Lewis.Josh@epa.gov](mailto:Lewis.Josh@epa.gov)> wrote:

We just got this from OAQPS with the following note. I can send to Mandy after your review.

## **Ex. 5 - Deliberative Process**

Thanks for your help and have a good weekend.

Amber Iglesias

EPA Office of Air Quality Planning and Standards

1200 Pennsylvania Ave., NW

Washington, D.C. 20460

202-564-3175

<RLSO CPP Proposal.FR Notice.9.29.2017.docx>

<CLEAN CPP Proposal.FR Notice.9.29.2017.docx>

**To:** Page, Steve[Page.Steve@epa.gov]; Lewis, Josh[Lewis.Josh@epa.gov]; Koerber, Mike[Koerber.Mike@epa.gov]  
**From:** Dunham, Sarah  
**Sent:** Tue 10/31/2017 5:28:24 PM  
**Subject:** FW: Request for Public Hearings in Boulder, CO on Proposed Repeal of Clean Power Plan  
[Correspondence to Acting Assistant Administrator for Air and Radiation.pdf](#)

Fyi. anyone know what [airaction@epa.com](mailto:airaction@epa.com) is?

**From:** Bisset, Mary [mailto:BissetM@bouldercolorado.gov]  
**Sent:** Tuesday, October 31, 2017 1:14 PM  
**To:** Dunham, Sarah <Dunham.Sarah@epa.gov>  
**Cc:** benevento.doug@epa.gov; airaction@epa.com; Jones, Suzanne <JonesS@bouldercolorado.gov>; Brautigam, Jane <BrautigamJ@bouldercolorado.gov>; Carr, Thomas <CarrT@bouldercolorado.gov>; Kalish, Debra <KalishD@bouldercolorado.gov>; Bailey, Heather <BaileyH@bouldercolorado.gov>; Koehn, Jonathan <Koehnj@bouldercolorado.gov>; Council <council@bouldercolorado.gov>  
**Subject:** Request for Public Hearings in Boulder, CO on Proposed Repeal of Clean Power Plan

Ms. Dunham,

Please see the attached correspondence regarding the above-referenced matter.

**Mary Bisset**

**Legal Secretary II**



O: (303) 441-4091

[bissetm@bouldercolorado.gov](mailto:bissetm@bouldercolorado.gov)

City Attorney's Office

1777 Broadway | Boulder, CO 80302

[bouldercolorado.gov](http://bouldercolorado.gov)

**To:** Harvey, Reid[Harvey.Reid@epa.gov]  
**From:** Dunham, Sarah  
**Sent:** Wed 12/6/2017 8:49:03 PM  
**Subject:** Re: press release on CPP hearings

That was fast. Ex. 6 - Personal Privacy

Sent from my iPhone

On Dec 6, 2017, at 3:47 PM, Harvey, Reid <Harvey.Reid@epa.gov> wrote:

In case you haven't seen this yet:

**From:** "EPA Press Office" <press@epa.gov>  
**Date:** December 6, 2017 at 12:11:07 PM PST  
**To:** "zito.kelly@epa.gov" <zito.kelly@epa.gov>  
**Subject:** EPA Announces Additional Public Listening Sessions on Proposed Repeal of Clean Power Plan  
**Reply-To:** [press@epa.gov](mailto:press@epa.gov)

## EPA Announces Additional Public Listening Sessions on Proposed Repeal of Clean Power Plan

**WASHINGTON** (December 6, 2017) — The U.S. Environmental Protection Agency (EPA) will hold three additional public listening sessions on the proposed repeal of the Clean Power Plan in San Francisco, Calif., Gillette, Wyo. and Kansas City, Mo.

"Due to the overwhelming response to our West Virginia hearing, we are announcing additional opportunities for the public to voice their views to the Agency," **said EPA Administrator Scott Pruitt.**

Public listening sessions will be on EPA's proposed repeal of the Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (commonly known as the Clean Power Plan). Dates and specific locations will be released in coming weeks; please see the website for details. All persons wanting to speak are encouraged to register in advance.

"The Trump administration is listening to the people of Wyoming," **said U.S. Senator John Barrasso (R-WY), chairman of the Senate Committee on Environment and Public Works (EPW).** "Today's announcement that the EPA will hold a listening session in Gillette, on the impacts of the so-called 'Clean Power Plan,' demonstrates the administration's commitment to hear directly from the people who would have been hurt most by this punishing regulation. The Clean Power Plan would have meant lost jobs for

energy workers in Gillette and across Wyoming. I am thankful to EPA Administrator Scott Pruitt for his leadership on this important issue."

Registration information will be posted at: <https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan>

Oral comments and supporting information presented at each session will be included in the docket for this proceeding.

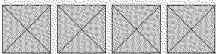
Written comments about EPA's proposal must be received by the last day of the comment period, January 16, 2018. Comments should be identified by Docket ID No. EPA-HQ-OAR-2017-0355 and may be submitted by one of the methods listed on the Clean Power Plan Proposed Repeal: How to Comment web page.

**Background:**

Soon after the previous Administration issued the Clean Power Plan in 2015, 150 entities including 27 states, 24 trade associations, 37 rural electric co-ops, and three labor unions challenged the CPP, highlighting a range of legal and technical concerns. A few months later, the United States Supreme Court stayed the CPP, immediately halting implementation—the first time the Supreme Court had ever issued a stay to block the enforcement of a regulation.

On March 28, 2017, Administrator Pruitt signed a notice indicating the EPA's intent to review the Clean Power Plan, in accord with the President's Energy Independence Executive Order. On October 16, the EPA proposed to repeal the Clean Power Plan, proposing that it is not consistent with the Clean Air Act. EPA is now taking comment on that proposal and has extended the public comment period to January 16, 2018.

<image001.png>



U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue Northwest  
Washington, D.C. 20004

[Unsubscribe](#)

**To:** Hamilton, Sabrina[Hamilton.Sabrina@epa.gov]  
**From:** Dunham, Sarah  
**Sent:** Tue 12/5/2017 3:02:22 PM  
**Subject:** Fwd: Request for a Public Hearing in San Francisco on Proposed Repeal of the Clean Power Plan  
[image001.gif](#)  
[ATT00001.htm](#)  
[Letter to USEPA Requesting CPP Hearing.pdf](#)  
[ATT00002.htm](#)

Sent from my iPhone

Begin forwarded message:

**From:** "Dunham, Sarah" <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>  
**Date:** November 21, 2017 at 12:55:41 PM EST  
**To:** "Lewis, Josh" <[Lewis.Josh@epa.gov](mailto:Lewis.Josh@epa.gov)>, "Page, Steve" <[Page.Steve@epa.gov](mailto:Page.Steve@epa.gov)>, "Koerber, Mike" <[Koerber.Mike@epa.gov](mailto:Koerber.Mike@epa.gov)>  
**Subject:** FW: Request for a Public Hearing in San Francisco on Proposed Repeal of the Clean Power Plan

More requests

**From:** Jue, Tyrone (MYR) [<mailto:tyrone.jue@sfgov.org>]  
**Sent:** Tuesday, November 21, 2017 12:54 PM  
**To:** Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>  
**Cc:** Strauss, Alexis <[Strauss.Alexis@epa.gov](mailto:Strauss.Alexis@epa.gov)>; Zito, Kelly <[ZITO.KELLY@EPA.GOV](mailto:ZITO.KELLY@EPA.GOV)>; AirAction <[AirAction@epa.gov](mailto:AirAction@epa.gov)>; Angotti, Kathryn (MYR) <[kathryn.angotti@sfgov.org](mailto:kathryn.angotti@sfgov.org)>; Hussey, Deirdre (MYR) <[deirdre.hussey@sfgov.org](mailto:deirdre.hussey@sfgov.org)>  
**Subject:** Request for a Public Hearing in San Francisco on Proposed Repeal of the Clean Power Plan

Dear Acting Assistant Administrator Dunham,

On behalf of the City and County of San Francisco and Mayor Ed Lee, please find enclosed our formal request for a public hearing in San Francisco on the EPA's proposed repeal of the Clean Power Plan 82 Fed. Reg. 48,035 (Oct. 16, 2017). We look forward to your response and to coordinating with the EPA to convene a successful hearing in our city.



Sincerely,

Tyrone

**Tyrone Jue** | Senior Advisor on the Environment

Office of Mayor Edwin M. Lee

City & County of San Francisco

**To:** Hamilton, Sabrina[Hamilton.Sabrina@epa.gov]; Lewis, Josh[Lewis.Josh@epa.gov]  
**Cc:** Carroll, Maria[carroll.maria@epa.gov]; Krieger, Jackie[Krieger.Jackie@epa.gov]; Clarke, Deirdre[clarke.deirdre@epa.gov]; Millett, John[Millett.John@epa.gov]; DeLuca, Isabel[DeLuca.Isabel@epa.gov]  
**From:** Dunham, Sarah  
**Sent:** Tue 12/5/2017 1:31:05 PM  
**Subject:** Re: Question: HQ Response to Request for a Public Hearing in San Francisco on Proposed Repeal of the Clean Power Plan

Hi Sabrina. I received what felt like dozens of requests. All of them were sent to OAQPS as well

## Ex. 5 - Deliberative Process

Sarah

On Dec 5, 2017, at 8:19 AM, Hamilton, Sabrina <[Hamilton.Sabrina@epa.gov](mailto:Hamilton.Sabrina@epa.gov)> wrote:

Sarah,

Can you please look through your email and forward me the one from Tyrone Jue dated November 21, 2017? If you have received other letters via email regarding the CPP, can you forward those to me as well? Thanks

Sabrina

Sabrina Hamilton  
Air and Radiation Liaison Specialist

and FOIA Coordinator  
Office of Air and Radiation - Correspondence Unit  
U.S. Environmental Protection Agency (EPA)  
1200 Pennsylvania Avenue, N.W. (6101-A)  
Washington, D.C. 20460  
Tel: (202) 564-1083  
Fax: (202) 501-0600

**From:** Bowles, Jack

**Sent:** Monday, December 04, 2017 2:57 PM

**To:** Hannon, Arnita <[Hannon.Arnita@epa.gov](mailto:Hannon.Arnita@epa.gov)>; Haman, Patricia <[Haman.Patricia@epa.gov](mailto:Haman.Patricia@epa.gov)>; Maier, Brent <[Maier.Brent@epa.gov](mailto:Maier.Brent@epa.gov)>; Hamilton, Sabrina <[Hamilton.Sabrina@epa.gov](mailto:Hamilton.Sabrina@epa.gov)>

**Cc:** Eades, Cassaundra <[Eades.Cassaundra@epa.gov](mailto:Eades.Cassaundra@epa.gov)>; Mims, Kathy <[Mims.Kathy@epa.gov](mailto:Mims.Kathy@epa.gov)>; Zito, Kelly <[ZITO.KELLY@EPA.GOV](mailto:ZITO.KELLY@EPA.GOV)>

**Subject:** RE: Question: HQ Response to Request for a Public Hearing in San Francisco on Proposed Repeal of the Clean Power Plan

Thank you Pat and Sabrina!

**From:** Hannon, Arnita

**Sent:** Monday, December 04, 2017 2:56 PM

**To:** Haman, Patricia <[Haman.Patricia@epa.gov](mailto:Haman.Patricia@epa.gov)>; Maier, Brent <[Maier.Brent@epa.gov](mailto:Maier.Brent@epa.gov)>; Bowles, Jack <[Bowles.Jack@epa.gov](mailto:Bowles.Jack@epa.gov)>

**Cc:** Eades, Cassaundra <[Eades.Cassaundra@epa.gov](mailto:Eades.Cassaundra@epa.gov)>; Mims, Kathy <[Mims.Kathy@epa.gov](mailto:Mims.Kathy@epa.gov)>; Zito, Kelly <[ZITO.KELLY@EPA.GOV](mailto:ZITO.KELLY@EPA.GOV)>

**Subject:** RE: Question: HQ Response to Request for a Public Hearing in San Francisco on Proposed Repeal of the Clean Power Plan

Thanks very much Pat!

M. Arnita Hannon Christmon

Intergovernmental Liaison

Office of Congressional and Intergovernmental Relations

US EPA

1200 Pennsylvania Avenue, NW

Washington, D.C. 20460

202.564.3704 (O)

202.302.9109 (M)

240.602.7118 (C)

202.501.1545 (Fax)

[hannon.arnita@epa.gov](mailto:hannon.arnita@epa.gov)

**From:** Haman, Patricia

**Sent:** Monday, December 04, 2017 2:46 PM

**To:** Hannon, Arnita <[Hannon.Arnita@epa.gov](mailto:Hannon.Arnita@epa.gov)>; Maier, Brent <[Maier.Brent@epa.gov](mailto:Maier.Brent@epa.gov)>; Bowles, Jack <[Bowles.Jack@epa.gov](mailto:Bowles.Jack@epa.gov)>

**Cc:** Eades, Cassaundra <[Eades.Cassaundra@epa.gov](mailto:Eades.Cassaundra@epa.gov)>; Mims, Kathy <[Mims.Kathy@epa.gov](mailto:Mims.Kathy@epa.gov)>; Zito, Kelly <[ZITO.KELLY@EPA.GOV](mailto:ZITO.KELLY@EPA.GOV)>

**Subject:** RE: Question: HQ Response to Request for a Public Hearing in San Francisco on Proposed Repeal of the Clean Power Plan

Hi – I am adding in Sabrina who runs the correspondence shop in OAR. Sabrina, can you help Brent locate this letter & response? Thank you, Pat

Patricia E. Haman

Office of Congressional Affairs

U.S. EPA

202-564-2806

**From:** Hannon, Arnita

**Sent:** Monday, December 4, 2017 2:14 PM

**To:** Maier, Brent <[Maier.Brent@epa.gov](mailto:Maier.Brent@epa.gov)>; Haman, Patricia <[Haman.Patricia@epa.gov](mailto:Haman.Patricia@epa.gov)>; Bowles, Jack <[Bowles.Jack@epa.gov](mailto:Bowles.Jack@epa.gov)>

**Cc:** Eades, Cassaundra <[Eades.Cassaundra@epa.gov](mailto:Eades.Cassaundra@epa.gov)>; Mims, Kathy <[Mims.Kathy@epa.gov](mailto:Mims.Kathy@epa.gov)>; Zito, Kelly <[ZITO.KELLY@EPA.GOV](mailto:ZITO.KELLY@EPA.GOV)>

**Subject:** RE: Question: HQ Response to Request for a Public Hearing in San Francisco on Proposed Repeal of the Clean Power Plan

Thanks Brent –

I hope Pat or Jack can help here because I am not sure who in OAR to go to for an answer on this. And not sure a CMS search would turn up anything since any response would go out under Sarah Dunham's signature – at least I think it would. Sorry for fumbling here but I'm just not clear here.

Arnita

M. Arnita Hannon Christmon

Intergovernmental Liaison

Office of Congressional and Intergovernmental Relations

US EPA

1200 Pennsylvania Avenue, NW

Washington, D.C. 20460

202.564.3704 (O)

202.302.9109 (M)

240.602.7118 (C)

202.501.1545 (Fax)

[hannon.arnita@epa.gov](mailto:hannon.arnita@epa.gov)

**From:** Maier, Brent

**Sent:** Monday, December 04, 2017 1:53 PM

**To:** Haman, Patricia <[Haman.Patricia@epa.gov](mailto:Haman.Patricia@epa.gov)>; Hannon, Arnita <[Hannon.Arnita@epa.gov](mailto:Hannon.Arnita@epa.gov)>; Bowles, Jack <[Bowles.Jack@epa.gov](mailto:Bowles.Jack@epa.gov)>

**Cc:** Eades, Cassaundra <[Eades.Cassaundra@epa.gov](mailto:Eades.Cassaundra@epa.gov)>; Mims, Kathy <[Mims.Kathy@epa.gov](mailto:Mims.Kathy@epa.gov)>; Zito, Kelly <[ZITO.KELLY@EPA.GOV](mailto:ZITO.KELLY@EPA.GOV)>

**Subject:** Question: HQ Response to Request for a Public Hearing in San Francisco on Proposed Repeal of the Clean Power Plan

Pat/Arnita/Jack –

I was asked to follow up to see if a written response was sent by OAR to Tyrone Jue, Senior Advisor on the Environment, Office of Mayor Edwin M. Lee, City & County of San Francisco. If a response was sent, please share a copy of the outgoing response. Thanks.

Brent Maier

Congressional Liaison

U.S. Environmental Protection Agency, Region IX

75 Hawthorne St. (OPA-3)

San Francisco, CA 94105

Ph: 415.947.4256

Mobile: 415.760.9170

**From:** Zito, Kelly

**Sent:** Monday, December 04, 2017 10:24 AM

**To:** Maier, Brent <[Maier.Brent@epa.gov](mailto:Maier.Brent@epa.gov)>

**Subject:** Fwd: Request for a Public Hearing in San Francisco on Proposed Repeal of the Clean Power Plan

Sent from my iPhone

Begin forwarded message:

**From:** "Jue, Tyrone (MYR)" <[tyrone.jue@sfgov.org](mailto:tyrone.jue@sfgov.org)>

**Date:** November 21, 2017 at 9:53:37 AM PST

**To:** "dunham.sarah@epa.gov" <dunham.sarah@epa.gov>

**Cc:** "strauss.alexis@epa.gov" <strauss.alexis@epa.gov>, "zito.kelly@epa.gov" <zito.kelly@epa.gov>, "airaction@epa.gov" <airaction@epa.gov>, "Angotti, Kathryn (MYR)" <kathryn.angotti@sfgov.org>, "Hussey, Deirdre (MYR)" <deirdre.hussey@sfgov.org>

**Subject: Request for a Public Hearing in San Francisco on Proposed Repeal of the Clean Power Plan**

Dear Acting Assistant Administrator Dunham,

On behalf of the City and County of San Francisco and Mayor Ed Lee, please find enclosed our formal request for a public hearing in San Francisco on the EPA's proposed repeal of the Clean Power Plan 82 Fed. Reg. 48,035 (Oct. 16, 2017). We look forward to your response and to coordinating with the EPA to convene a successful hearing in our city.

Sincerely,

Tyrone

**Tyrone Jue** | Senior Advisor on the Environment

Office of Mayor Edwin M. Lee

City & County of San Francisco

**To:** Lewis, Josh[Lewis.Josh@epa.gov]; Page, Steve[Page.Steve@epa.gov]; Koerber, Mike[Koerber.Mike@epa.gov]  
**From:** Dunham, Sarah  
**Sent:** Mon 10/30/2017 8:32:47 PM  
**Subject:** Fwd: CT's request for a hearing on Proposed Rule 82 FR 48035  
[image003.png](#)  
[ATT00001.htm](#)  
[CT Public Hearing Request on Proposed Repeal of Clean Power Plan.pdf](#)  
[ATT00002.htm](#)

Sent from my iPhone

Begin forwarded message:

**From:** "Rigney, Kirsten" <[Kirsten.Rigney@ct.gov](mailto:Kirsten.Rigney@ct.gov)>  
**Date:** October 30, 2017 at 4:29:27 PM EDT  
**To:** "'[dunham.sarah@epa.gov](mailto:dunham.sarah@epa.gov)'" <[dunham.sarah@epa.gov](mailto:dunham.sarah@epa.gov)>, "'[airaction@epa.gov](mailto:airaction@epa.gov)'" <[airaction@epa.gov](mailto:airaction@epa.gov)>  
**Subject:** CT's request for a hearing on Proposed Rule 82 FR 48035

Please see the attached request for a hearing from CT's Commissioner of Energy & Environmental Protection on EPA's proposed rule repealing the Clean Power Plan.

Regards,

Kirsten

***Kirsten S. P. Rigney***

Legal Director

Bureau of Energy Technology Policy F:860-827-2806

Connecticut Department of Energy and Environmental Protection  
10 Franklin Square, New Britain, CT  
P: 860.827.2984 | F:860-827-2806 | E: [Kirsten.Rigney@ct.gov](mailto:Kirsten.Rigney@ct.gov)



**To:** Page, Steve[Page.Steve@epa.gov]; Koerber, Mike[Koerber.Mike@epa.gov]; Srinivasan, Gautam[Srinivasan.Gautam@epa.gov]; Smith, Kristi[Smith.Kristi@epa.gov]; Lewis, Josh[Lewis.Josh@epa.gov]  
**From:** Dunham, Sarah  
**Sent:** Sun 11/5/2017 7:54:35 PM  
**Subject:** Fwd: Next week's possible Air actions  
2017-11-02 Draft Ozone Release (AD).docx  
ATT00001.htm

## Ex. 5 - Deliberative Process

Begin forwarded message:

**From:** "Dominguez, Alexander" <dominguez.alexander@epa.gov>  
**Date:** November 5, 2017 at 2:42:27 PM EST  
**To:** "DeLuca, Isabel" <DeLuca.Isabel@epa.gov>, "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>, "Bowman, Liz" <Bowman.Liz@epa.gov>, "Millett, John" <Millett.John@epa.gov>  
**Cc:** "Dunham, Sarah" <Dunham.Sarah@epa.gov>, "Lewis, Josh" <Lewis.Josh@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>, "Jones, Enesta" <Jones.Enesta@epa.gov>  
**Subject:** RE: Next week's possible Air actions

Please edit the attached draft press release as necessary.

Alex

**From:** DeLuca, Isabel  
**Sent:** Friday, November 3, 2017 2:17 PM  
**To:** Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Millett, John <Millett.John@epa.gov>  
**Cc:** Dunham, Sarah <Dunham.Sarah@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>  
**Subject:** RE: Next week's possible Air actions

Apologies all—here are slightly updated versions, plus a draft press release, if needed.

**From:** Gunasekara, Mandy  
**Sent:** Friday, November 03, 2017 2:09 PM  
**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Dominguez, Alexander <[dominguez.alexander@epa.gov](mailto:dominguez.alexander@epa.gov)>; Millett, John <[Millett.John@epa.gov](mailto:Millett.John@epa.gov)>  
**Cc:** Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>; Lewis, Josh <[Lewis.Josh@epa.gov](mailto:Lewis.Josh@epa.gov)>; DeLuca, Isabel <[DeLuca.Isabel@epa.gov](mailto:DeLuca.Isabel@epa.gov)>  
**Subject:** RE: Next week's possible Air actions

I'm have not yet fully reviewed, but see attached.

**From:** Bowman, Liz  
**Sent:** Friday, November 3, 2017 2:08 PM  
**To:** Dominguez, Alexander <[dominguez.alexander@epa.gov](mailto:dominguez.alexander@epa.gov)>; Millett, John <[Millett.John@epa.gov](mailto:Millett.John@epa.gov)>  
**Cc:** Gunasekara, Mandy <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>; Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>; Lewis, Josh <[Lewis.Josh@epa.gov](mailto:Lewis.Josh@epa.gov)>; DeLuca, Isabel <[DeLuca.Isabel@epa.gov](mailto:DeLuca.Isabel@epa.gov)>  
**Subject:** RE: Next week's possible Air actions

Thank you, can someone please send me the communications plan?

**From:** Dominguez, Alexander  
**Sent:** Friday, November 3, 2017 2:02 PM  
**To:** Millett, John <[Millett.John@epa.gov](mailto:Millett.John@epa.gov)>  
**Cc:** Gunasekara, Mandy <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>; Lewis, Josh <[Lewis.Josh@epa.gov](mailto:Lewis.Josh@epa.gov)>; DeLuca, Isabel <[DeLuca.Isabel@epa.gov](mailto:DeLuca.Isabel@epa.gov)>  
**Subject:** RE: Next week's possible Air actions

Please tentatively prepare for Monday at 2:00 PM. Mandy is reviewing comms materials now.

**From:** Millett, John

**Sent:** Thursday, November 2, 2017 5:06 PM  
**To:** Dominguez, Alexander <[dominguez.alexander@epa.gov](mailto:dominguez.alexander@epa.gov)>  
**Cc:** Gunasekara, Mandy <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>; Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>; Lewis, Josh <[Lewis.Josh@epa.gov](mailto:Lewis.Josh@epa.gov)>; DeLuca, Isabel <[DeLuca.Isabel@epa.gov](mailto:DeLuca.Isabel@epa.gov)>  
**Subject:** RE: Next week's possible Air actions

Hi Alex -- Here they are. Any sense of timing is appreciated. It's good to give congressional and the regions a heads up if possible, and there are a number of letters to prepare and distribute. Let us know if you'd like a press release, and we can turn one around pretty quickly.

+ Sarah, Josh and Isabel

**From:** Dominguez, Alexander  
**Sent:** Thursday, November 02, 2017 4:28 PM  
**To:** Millett, John <[Millett.John@epa.gov](mailto:Millett.John@epa.gov)>  
**Cc:** Gunasekara, Mandy <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>  
**Subject:** RE: Next week's possible Air actions

Hey John – I may have just missed it but is there a comms plan for ozone designations?

**Alex Dominguez**

Policy Analyst to the Deputy Assistant Administrator

Office of Air and Radiation

U.S. Environmental Protection Agency

**From:** Millett, John

**Sent:** Friday, October 27, 2017 3:52 PM

**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto: Grantham.Nancy@epa.gov)>; Konkus, John <[konkus.john@epa.gov](mailto: konkus.john@epa.gov)>; Gunasekara, Mandy <[Gunasekara.Mandy@epa.gov](mailto: Gunasekara.Mandy@epa.gov)>

**Cc:** Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto: Dunham.Sarah@epa.gov)>; DeLuca, Isabel <[DeLuca.Isabel@epa.gov](mailto: DeLuca.Isabel@epa.gov)>; Lewis, Josh <[Lewis.Josh@epa.gov](mailto: Lewis.Josh@epa.gov)>; Dominguez, Alexander <[dominguez.alexander@epa.gov](mailto: dominguez.alexander@epa.gov)>; Harlow, David <[harlow.david@epa.gov](mailto: harlow.david@epa.gov)>

**Subject:** Next week's possible Air actions

We are looking at the possibility of the Agency releasing several air actions next week. Comms materials are in process; and we'll circulate as far in advance as possible.

Possible actions, potential schedule

Monday, 10/30 – Oil and Gas – Notices of Data Availability seeking comment on certain aspects of the 2016 standards for new sources. Sent draft materials separately earlier today.

Tuesday, 10/31 – CPP Advance Notice of Proposed Rulemaking – a very preliminary step in replacing the Clean Power Plan – issued for public comment. Draft comms materials are in process, will distribute Monday morning.

Wednesday or Thursday, 11/1-2 – CPP Hearing – announcement of the date and location of the public comment hearing on the proposed repeal of the CPP.

Friday, 11/3 – Ozone Designations – listing the areas across the country that states and EPA agree are meeting the 2015 standards for ground-level ozone.

\*\*

Also expecting the final RFS standards package to begin interagency review early next week.

And it's also possible that toward the end of next week we'll have the signature of the Glider Truck Standards Repeal (part of the Aug 2016 greenhouse gas standards for heavy duty highway vehicles).

~~~~~

John Millett

Director, OAR Communications

Desk: 202-564-2903

Cell: 202-510-1822

**To:** Harvey, Reid[Harvey.Reid@epa.gov]  
**Cc:** Krieger, Jackie[Krieger.Jackie@epa.gov]  
**From:** Dunham, Sarah  
**Sent:** Tue 11/28/2017 11:21:59 PM  
**Subject:** Re: first day read-out

Thanks Reid.

On Nov 28, 2017, at 6:12 PM, Harvey, Reid <Harvey.Reid@epa.gov> wrote:

I know you watched some of the live-stream today but I thought I'd give you my quick impression of the hearings here in Charleston. We flew in yesterday with a number of folks going to the hearing, including NRDC and Sierra Club folks on our plane. We did logistics and room-set up yesterday afternoon at the Capitol (a beautiful marble building built in 1932). We had 3 hearing rooms going today, two in the Senate side and one on the House side. Tomorrow, we fall back to just 2 rooms.

## **Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

I can provide more color commentary in person on Thursday. We fly back tomorrow night so I may save my Wednesday read-out for Thursday.

Reid

**To:** Page, Steve[Page.Steve@epa.gov]; Koerber, Mike[Koerber.Mike@epa.gov]; Noonan, Jenny[Noonan.Jenny@epa.gov]  
**From:** Dunham, Sarah  
**Sent:** Wed 11/22/2017 4:33:18 PM  
**Subject:** Fwd: Request for Public Hearings on Proposed Repeal of Clean Power Plan  
Scanned from a Xerox Multifunction Printer.pdf  
ATT00001.htm

Sent from my iPhone

Begin forwarded message:

**From:** "Berry, Jeremy" <JTBerry@AtlantaGa.Gov>  
**Date:** November 22, 2017 at 11:20:04 AM EST  
**To:** "dunham.sarah@epa.gov" <dunham.sarah@epa.gov>  
**Cc:** "Stuckey, E. Stephanie" <sstuckey@AtlantaGa.Gov>, "Middleton, Megan" <mmiddleton@AtlantaGa.Gov>, "airaction@epa.gov" <airaction@epa.gov>  
**Subject:** Request for Public Hearings on Proposed Repeal of Clean Power Plan

Dear Acting Assistant Administrator Dunham:

Please find enclosed a letter on behalf of the City of Atlanta that is also being mailed to your attention. Thank you for your consideration of this letter.

Sincerely,

Jeremy Berry

Jeremy Berry

City Attorney, City of Atlanta

404-546-4084

[jtberry@atlantaga.gov](mailto:jtberry@atlantaga.gov)



**To:** Lewis, Josh[Lewis.Josh@epa.gov]; Koerber, Mike[Koerber.Mike@epa.gov]; Page, Steve[Page.Steve@epa.gov]  
**From:** Dunham, Sarah  
**Sent:** Tue 10/31/2017 8:14:35 PM  
**Subject:** Fwd: Proposed Repeal of Clean Power Plan - Hearing Request  
2017 10 31 NYC Hearing Request Letter - (# Legal 7890583).PDF  
ATT00001.htm

Sent from my iPhone

Begin forwarded message:

**From:** "Noteboom, Carrie (Law)" <[cnoteboo@law.nyc.gov](mailto:cnoteboo@law.nyc.gov)>  
**Date:** October 31, 2017 at 4:07:09 PM EDT  
**To:** "'[dunham.sarah@epa.gov](mailto:dunham.sarah@epa.gov)'" <[dunham.sarah@epa.gov](mailto:dunham.sarah@epa.gov)>  
**Cc:** "'[airaction@epa.gov](mailto:airaction@epa.gov)'" <[airaction@epa.gov](mailto:airaction@epa.gov)>, "'[Lopez.Peter@epa.gov](mailto:Lopez.Peter@epa.gov)'" <[Lopez.Peter@epa.gov](mailto:Lopez.Peter@epa.gov)>  
**Subject:** Proposed Repeal of Clean Power Plan - Hearing Request

Please see attached letter from the City of New York requesting a public hearing on the proposed repeal of the Clean Power Plan.

*Carrie Noteboom  
Senior Counsel, Environmental Law Division  
New York City Law Department  
100 Church Street  
New York, NY 10007  
(212) 356-2319  
[cnoteboo@law.nyc.gov](mailto:cnoteboo@law.nyc.gov)*

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**To:** Millett, John[Millett.John@epa.gov]; Page, Steve[Page.Steve@epa.gov]; Koerber, Mike[Koerber.Mike@epa.gov]; Lewis, Josh[Lewis.Josh@epa.gov]  
**From:** Dunham, Sarah  
**Sent:** Tue 10/10/2017 4:39:40 PM  
**Subject:** Fwd: Proposal to FR: Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units  
[CPP Repeal Proposal for FR 10-10-2017.pdf](#)  
[ATT00001.htm](#)

Sent from my iPhone

Begin forwarded message:

**From:** "Treimel, Ellen" <Treimel.Ellen@epa.gov>  
**Date:** October 10, 2017 at 12:32:35 PM EDT  
**To:** "Flynn, Mike" <Flynn.Mike@epa.gov>, "Jackson, Ryan" <jackson.ryan@epa.gov>, "Bowman, Liz" <Bowman.Liz@epa.gov>, "Lyons, Troy" <lyons.troy@epa.gov>, "Dravis, Samantha" <dravis.samantha@epa.gov>, "Bennett, Tate" <Bennett.Tate@epa.gov>, "Brown, Byron" <brown.byron@epa.gov>  
**Cc:** "Grantham, Nancy" <Grantham.Nancy@epa.gov>, "Richardson, RobinH" <Richardson.RobinH@epa.gov>, "Hull, George" <Hull.George@epa.gov>, "Rees, Sarah" <rees.sarah@epa.gov>, "Owens, Nicole" <Owens.Nicole@epa.gov>, "Fonseca, Silvina" <Fonseca.Silvina@epa.gov>, "Cyran, Carissa" <Cyran.Carissa@epa.gov>, "Dunham, Sarah" <Dunham.Sarah@epa.gov>, "Lewis, Josh" <Lewis.Josh@epa.gov>, "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>  
**Subject:** Proposal to FR: Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units

Good afternoon,

The Administrator has signed a proposed rule titled: Repeal of Carbon Pollution Emission guidelines for Existing Stationary Sources: Electric Utility Generating Units, commonly referred to as the Clean Power Plan. The CPP was originally promulgated on October 23, 2015. The first page of the proposed rule and the signature page are attached.

Please contact me with any questions.

Ellen Treimel, Special Assistant

Office of the Administrator

U.S. Environmental Protection Agency

WJC-N 3310

202-564-0557 (w)

703-667-0553 (c)

**To:** Harvey, Reid[Harvey.Reid@epa.gov]; Krieger, Jackie[Krieger.Jackie@epa.gov]  
**From:** Dunham, Sarah  
**Sent:** Tue 11/21/2017 4:01:46 PM  
**Subject:** RE: next week schedule, WV trip

Hi Reid—

## Ex. 5 - Deliberative Process

Sarah

**From:** Harvey, Reid  
**Sent:** Tuesday, November 21, 2017 10:42 AM  
**To:** Dunham, Sarah <Dunham.Sarah@epa.gov>; Krieger, Jackie <Krieger.Jackie@epa.gov>  
**Subject:** RE: next week schedule, WV trip

## Ex. 5 - Deliberative Process

Reid

**From:** Dunham, Sarah  
**Sent:** Tuesday, November 21, 2017 10:25 AM  
**To:** Harvey, Reid <Harvey.Reid@epa.gov>; Krieger, Jackie <Krieger.Jackie@epa.gov>  
**Subject:** RE: next week schedule, WV trip

Ok thanks. have you heard anything about the ANPR?

**From:** Harvey, Reid

**Sent:** Tuesday, November 21, 2017 10:16 AM

**To:** Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>; Krieger, Jackie <[Krieger.Jackie@epa.gov](mailto:Krieger.Jackie@epa.gov)>

**Subject:** next week schedule, WV trip

Rick and I will be the two OAP folks participating in the CPP repeal hearings in WV next week. I heard yesterday from Kevin that Jenny felt she had adequate numbers to cover all the panels and decided that OAP only needed two, rather than three folks going. I let Paul know today as well. Rick and I catch a flight next Monday morning (the only direct flight) and return Thursday late afternoon. I will send a read-out note on the hearings on Tuesday and Wednesday evenings to you.

**Ex. 6 - Personal Privacy**

Friday morning in Vienna but should be in the office before 1, so will participate in person in the Wehrum meeting that afternoon.

Reid

**To:** Lewis, Josh[Lewis.Josh@epa.gov]; Page, Steve[Page.Steve@epa.gov]; Koerber, Mike[Koerber.Mike@epa.gov]  
**From:** Dunham, Sarah  
**Sent:** Tue 10/31/2017 7:43:59 PM  
**Subject:** FW: Request for Public Hearing In Oregon on Proposed Repeal of Clean Power Plan  
[20171031123052218.pdf](#)

**From:** Green Joan [mailto:Joan.Green@doj.state.or.us]  
**Sent:** Tuesday, October 31, 2017 3:38 PM  
**To:** Dunham, Sarah <Dunham.Sarah@epa.gov>  
**Subject:** Request for Public Hearing In Oregon on Proposed Repeal of Clean Power Plan

Please see the attached letter from Oregon Attorney General Ellen Rosenblum.

**Joan Green**

Executive Assistant to Oregon Attorney General Ellen F. Rosenblum

Oregon Department of Justice

503.378.6002

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This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

\*\*\*\*\*

**To:** Cyran, Carissa[Cyran.Carissa@epa.gov]; Lewis, Josh[Lewis.Josh@epa.gov]; Millett, John[Millett.John@epa.gov]; DeLuca, Isabel[DeLuca.Isabel@epa.gov]  
**From:** Dunham, Sarah  
**Sent:** Fri 10/27/2017 8:49:20 PM  
**Subject:** RE: SAN 5548.7 - Repeal of CPP (Public hearing and extension of the comment period notice) (OA)(OAR-18-000-0879)

Just fyi, I do not think the target date for signature for this is 10/31.

**From:** Cyran, Carissa  
**Sent:** Friday, October 27, 2017 4:37 PM  
**To:** Dunham, Sarah <Dunham.Sarah@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Millett, John <Millett.John@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>  
**Subject:** SAN 5548.7 - Repeal of CPP (Public hearing and extension of the comment period notice) (OA)(OAR-18-000-0879)

**From:** Morgan, Ruthw  
**Sent:** Friday, October 27, 2017 4:27 PM  
**To:** Cyran, Carissa <Cyran.Carissa@epa.gov>  
**Cc:** Shaw, Betsy <Shaw.Betsy@epa.gov>; Eagles, Tom <Eagles.Tom@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Millett, John <Millett.John@epa.gov>; Mcquilkin, Wendy <Mcquilkin.Wendy@epa.gov>; Morris, Joseph <Morris.Joseph@epa.gov>; Morgan, Ruthw <morgan.ruthw@epa.gov>; Hamilton, Sabrina <Hamilton.Sabrina@epa.gov>; Carroll, Maria <carroll.maria@epa.gov>; Matthews, Barbara <Matthews.Barbara@epa.gov>; Henigin, Mary <Henigin.Mary@epa.gov>; Rush, Alan <Rush.Alan@epa.gov>; Iglesias, Amber <Iglesias.Amber@epa.gov>; Owens, Nicole <Owens.Nicole@epa.gov>; Pritchard, Eileen <Pritchard.Eileen@epa.gov>; Brown, Stephanie N. <Brown.StephanieN@epa.gov>; Adams, Darryl <Adams.Darryl@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>; Jutras, Nathaniel <Jutras.Nathaniel@epa.gov>; Brooks, Patricia <Brooks.Patricia@epa.gov>; Morris, Stephanie <Morris.Stephanie@epa.gov>; Gaines, Cynthia <Gaines.Cynthia@epa.gov>; Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>  
**Subject:** SAN 5548.7 - Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (Public hearing and extension of the comment period notice) (OA)(OAR-18-000-0879)

10/27/17

To: Immediate Office for review and submittal for Administrator's signature.

Target date for signature is 10/31/17. Due to an Administration deadline, this public hearing notice must publish in the *Federal Register* by November 9, 2017, to allow for the required 15 days between publication of the notice and the dates of the hearing. This deadline also takes into consideration federal holidays on November 10 (Veterans Day) and November 23 (Thanksgiving).

10/27/2017 04:13 PM

SAN: 5548.7

Tier: 3

CMS Control #: OAR-18-000-0879

**Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (Public hearing and extension of the comment Period Notice) SAN 5548.7**

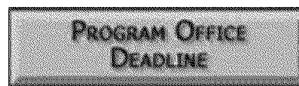
Reviewed	Sign Off	Concur	Concur w/ Comment	Non-Concur	Date
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Carissa  
Cyrn

Josh  
Lewis  
Sarah  
Dunham

Stage:

Public  
Hearing &  
Extension for  
Administrator's  
signature



Deadline:

Program  
Office  
Deadline

Deadline Date:

10/31/17

Target date for signature is 10/31/17. Due to an Administration deadline, this public hearing notice must publish in the *Federal Register* by November 9, 2017, to allow for the required 15 days between publication of the notice and



of the hearing. This deadline also takes into consideration federal holidays on November 10 (Veterans Day) and November 23 (Thanksgiving).

**OAQPS** Contact:

**OAQPS** Peter Tsirigotis - 919 541-7764

**OAQPS** Mgmt. Level Reviewer:

**OAQPS** Mary Henigin - 202 564-2186

**OPAR** Contact:

Return to: Ruth Morgan  
564-1326, 6358 AR North

**To:** Page, Steve[Page.Steve@epa.gov]; Koerber, Mike[Koerber.Mike@epa.gov]; Lewis, Josh[Lewis.Josh@epa.gov]  
**From:** Dunham, Sarah  
**Sent:** Tue 10/31/2017 7:16:52 PM  
**Subject:** Fwd: City of Philadelphia - public hearing request on proposed repeal of Clean Power Plan  
[CPP hearing request letter.pdf](#)  
[ATT00001.htm](#)

Sent from my iPhone

Begin forwarded message:

**From:** Patrick O'Neill <Patrick.ONeill@Phila.gov>  
**Date:** October 31, 2017 at 3:15:04 PM EDT  
**To:** "dunham.sarah@epa.gov" <dunham.sarah@epa.gov>  
**Cc:** "servidio.cosmo@epa.gov" <servidio.cosmo@epa.gov>, "airaction@epa.gov" <airaction@epa.gov>  
**Subject:** City of Philadelphia - public hearing request on proposed repeal of Clean Power Plan

Dear Acting Assistant Administrator Dunham:

The City of Philadelphia hereby requests a public hearing in regard to EPA's unusually poor decision in regard to the proposed repeal of the Clean Power Plan, 82 Fed. Reg. 48,035 (Oct. 16, 2017). By this e-mail I am also copying Peter Tsirigotis pursuant to the Federal Register public notice, and Cosmo Servidio as Regional Administrator of EPA Region 3. Thank you for your consideration of this request.

Patrick K. O'Neill Esq.

Divisional Deputy City Solicitor, Environmental Law

City of Philadelphia Law Dept.

One Parkway Bldg. 16th Floor

1515 Arch Street

Philadelphia, PA 19102

215-683-5172 (phone)

215-683-5175 (fax)

[patrick.o'neill@phila.gov](mailto:patrick.o'neill@phila.gov)

**To:** Page, Steve[Page.Steve@epa.gov]; Koerber, Mike[Koerber.Mike@epa.gov]; Lewis, Josh[Lewis.Josh@epa.gov]  
**From:** Dunham, Sarah  
**Sent:** Tue 10/31/2017 7:15:22 PM  
**Subject:** Fwd: Request for Public Hearings on Proposed Repeal of Clean Power Plan  
[Ltr 2017-10-31 to Sarah Dunham re Public Hearing SIGNED.pdf](#)  
[ATT00001.htm](#)

Sent from my iPhone

Begin forwarded message:

**From:** "Pepe, Thomas F." <[TPepe@southmiamifl.gov](mailto:TPepe@southmiamifl.gov)>  
**To:** "Dunham, Sarah" <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>  
**Cc:** "AirAction" <[AirAction@epa.gov](mailto:AirAction@epa.gov)>  
**Subject:** Request for Public Hearings on Proposed Repeal of Clean Power Plan

Please see attached letter requesting a public hearing in Miami-Dade County concerning the repeal of the Clean Power Plan. Thank you.

Very truly yours,

*Thomas F. Pepe*

**City Attorney**, Board Certified by the Fla. Bar  
in City, County and Local Government Law.  
City of South Miami  
1450 Madruga Avenue, Ste 202,  
Coral Gables, Florida 33146  
Tel: (305) 667-2564  
Fax: (305) 341-0584  
E-mail: [tpepe@southmiamifl.gov](mailto:tpepe@southmiamifl.gov)

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**To:** Page, Steve[Page.Steve@epa.gov]; Koerber, Mike[Koerber.Mike@epa.gov]; Lewis, Josh[Lewis.Josh@epa.gov]  
**From:** Dunham, Sarah  
**Sent:** Tue 10/31/2017 5:51:40 PM  
**Subject:** FW: Request for Public Hearings on Proposed Repeal of Clean Power Plan  
[Dunham Ltr 103117 USEPA re Maryland Public Hearing Request.pdf](#)

**From:** Tulin, Leah [mailto:ltulin@oag.state.md.us]  
**Sent:** Tuesday, October 31, 2017 1:47 PM  
**To:** Dunham, Sarah <Dunham.Sarah@epa.gov>  
**Cc:** AirAction <AirAction@epa.gov>; R3 RA <R3\_RA@epa.gov>  
**Subject:** Request for Public Hearings on Proposed Repeal of Clean Power Plan

Dear Ms. Dunham:

Attached please find a letter from Maryland Attorney General Brian Frosh requesting a public hearing on the EPA's proposed repeal of the Clean Power Plan. A copy of this letter is also being sent via First Class mail.

Best regards,

Leah

Leah Tulin

Assistant Attorney General

Office of the Attorney General

State of Maryland

200 Saint Paul Place

Baltimore, Maryland 21202

410-576-6962

**To:** Adamantiades, Mikhail[Adamantiades.Mikhail@epa.gov]  
**Cc:** Stevens, Gabrielle[Stevens.Gabrielle@epa.gov]; Mulholland, Denise[Mulholland.Denise@epa.gov]; Eschmann, Erich[Eschmann.Erich@epa.gov]  
**From:** Stenhouse, Jeb  
**Sent:** Thur 6/22/2017 2:19:12 PM  
**Subject:** CPP repeal jobs  
[FINAL-CPP-jobs-report-6.21.17.pdf](#)  
[ATT00001.txt](#)

Misha, can you read and share key findings in a reply-all at your next opportunity?

<https://www.e2.org/wp-content/uploads/2017/06/FINAL-CPP-jobs-report-6.21.17.pdf>